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TITLE 3—THE PRESIDENT

PROCLAMATION 2934

SUPPLEMENTAL QUOTA ON IMPORTS OF LONG-STAPLE COTTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 31 of the act of August 24, 1935, 49 Stat. 750, 773, as amended by section 5 of the act of February 29, 1936, 49 Stat. 1148, 1152, and as reenacted by section 1 of the act of June 3, 1937, 50 Stat. 246 (7 U. S. C. 624), the President issued a proclamation on September 5, 1939 (No. 2351, 54 Stat. 2640), limiting the quantities of certain cotton and cotton waste which might be entered, or withdrawn from warehouse, for consumption, which proclamation was suspended in part or modified by the President's proclamations of December 19, 1940 (No. 2450, 54 Stat. 2769), March 31, 1942 (No. 2544, 56 Stat. 1944), June 29, 1942 (No. 2560, 56 Stat. 1963), February 1, 1947 (No. 2715, 61 Stat. 1049), June 9, 1947 (No. 2734, 61 Stat. 1071), July 20, 1948 (No. 2800, 62 Stat. 1534), September 3, 1949 (No. 2856, 63 Stat. 1294), October 4, 1950 (No. 2905, 15 F. R. 6801), and October 12, 1950 (No. 2907, 15 F. R. 6953); and

WHEREAS the said proclamation of September 5, 1939, as suspended in part and modified, provides that the total quantity of cotton having a staple of 1⅛ inches or more but less than 1 11/16 inches in length which may be entered, or withdrawn from warehouse, for consumption in any year commencing February 1 shall not exceed 45,656,420 pounds; and

WHEREAS the limitation on the entry of cotton having a staple of 1⅛ inches or more in length was imposed by the said proclamation of September 5, 1939 after a finding by the President, on the basis of an investigation and report of the United States Tariff Commission made under the provisions of the said section 22 of the Agricultural Adjustment Act of 1933, as amended, that such cotton was being imported into the United States under such conditions and in sufficient quantities as to tend to render ineffective or materially interfere with the program undertaken with respect to cotton under the Soil Conservation and Domestic Allotment Act, as amended; and

WHEREAS the imposition of annual quotas on cotton having a staple of 1⅛ inches or more in length was recommended by the United States Tariff Commission in its report (Report No. 137, 2d Series) in connection with which it was stated, in finding No. 5, that the quotas recommended "will prevent imports from interfering with the cotton program and at the same time will permit American industry to secure needed supplies of specialized types of cotton"; and

WHEREAS the total quantity of cotton having a staple of 1⅛ inches or more but less than 1 11/16 inches in length which may be entered for consumption or withdrawn from warehouse for consumption under the said proclamation of September 5, 1939, as suspended in part and modified, during the quota year ending at the close of January 31, 1952, has already been entered, or withdrawn from warehouse, for consumption; and

WHEREAS pursuant to the said section 22 of the Agricultural Adjustment Act of 1933, as further amended by the acts of January 25, 1940, 54 Stat. 17, and July 3, 1948, 62 Stat. 1247, 1248, and by Public Law 579, 81st Congress, approved June 28, 1950, the United States Tariff Commission has made a supplemental investigation to determine whether changed circumstances require the modification of the said proclamation of September 5, 1939, to permit an additional quantity of harsh or rough cotton having a staple of 1⅛ inches or more but less than 1⅜ inches in length to be entered, or withdrawn from warehouse, for consumption during the remainder of the quota year ending at the close of January 31, 1952, in order to meet the special requirements of domestic manufacturers for this particular type of cotton; and

WHEREAS in the course of the said supplemental investigation, after due notice, a public hearing was held on June 13, 1951, at which parties interested were given opportunity to be present, to produce evidence, and to be heard, and, in addition to the hearing, the Commission made such investigation as it deemed necessary for a full disclosure and presentation of the facts; and

(Continued on p. 6491)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

WHEREAS the Commission has made findings of fact and has transmitted to me a report of such findings and its recommendations based thereon, together with a transcript of the evidence submitted at the hearing, and has also transmitted a copy of such report to the Secretary of Agriculture; and

WHEREAS the Commission has recommended that an additional quantity of 1,500,000 pounds of harsh or rough cotton (except cotton of perished staple, grabbots, and cotton pickings), white in color, and having a staple of 1 3/16 inches or more but less than 1 3/8 inches in length be permitted entry during the quota year ending at the close of January 31, 1952, in order to enable domestic users to obtain their essential requirements for such cotton:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby find and declare, on the basis of the said supplemental investigation and report of the United States Tariff Commission, that changed circumstances require the modification of the said proclamation of September 5, 1939, as suspended in part and modified, so as to permit the entry for consumption, or withdrawal from warehouse for consumption, during the quota year ending at the close of January 31, 1952, of 1,500,000 pounds of harsh or rough cotton (except cotton of perished staple, grabbots, and cotton pickings), white in color, and having a staple of 1 3/16 inches or more but less than 1 3/8 inches in length, in addition to the quantity of cotton having a staple of 1 1/8 inches or more but less than 1 11/16 inches in length the entry of which has already been made during the said quota year under the said proclamation of September 5, 1939, as suspended in part and modified, which additional quantity I find should be permitted entry to carry out the purposes of section 22 of the Agricultural Adjustment Act of 1933, as amended. Accordingly, pursuant to the said section 22 of the Agricultural Adjustment Act of 1933, as amended, I hereby modify the said proclamation of September 5, 1939, so as to permit during the quota year ending at the close of January 31, 1952, the entry for consumption, or withdrawal from warehouse for consumption, of an additional quantity of 1,500,000 pounds of harsh or rough cotton (except cotton of perished staple, grabbots, and cotton pickings), white in color, and having a staple of 1 3/16 inches or more but less than 1 3/8 inches in length, which additional quantity I hereby find and declare may be entered for consumption, or withdrawn from warehouse for consumption, during such quota year without rendering or tending to render ineffective or materially interfering with the domestic program undertaken with respect to cotton, or reducing substantially the amount of any product processed in the United States from cotton produced in the United States.

This proclamation shall become effective on the fifth day after the date thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of June in the year of our Lord nineteen hundred and [SEAL] and fifty-one, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51–7817; Filed, July 2, 1951; 4:47 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter C—Regulations Issued by the Federal Land Bank

PART 21—FEDERAL LAND BANK OF SPRINGFIELD

FEES

Section 21.1 of Title 6, Code of Federal Regulations, is rescinded.

(Sec. 13 "Ninth", 39 Stat. 372; 12 U. S. C. 781 "Ninth") (Res. Bd. Dir. June 18, 1951)

FEDERAL LAND BANK OF SPRINGFIELD,
[SEAL] HAROLD F. JOHNSON,
Secretary.

[F. R. Doc. 51-7716; Filed, July 3, 1951; 9:01 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 643—OILSEEDS

SUBPART—1951-CROP CASTOR BEAN PRODUCTION AND PROCUREMENT PROGRAM

§ 643.567 *1951-crop castor beans.* In order to assure increased supplies of castor oil for National defense purposes, the Secretary of Agriculture is carrying out, through Commodity Credit Corporation, a program for the domestic production and procurement of 1951-crop castor beans on an estimated 78,000 acres. The program is being made available to farmers who enter into contracts either with Commodity Credit Corporation, or with private companies under contract with Commodity Credit Corporation, in areas for which adapted seed is available within the States of Oklahoma, Texas, California, Arizona, and any other State approved by the President of Commodity Credit Corporation. Detailed terms and conditions under which castor beans will be purchased are contained in such contracts with farmers. Generally, the price to be paid farmers for castor beans will be the higher of 10 cents per pound or the market price in effect at the time and place of delivery, upon the basis of the adjusted net weight determined by making certain deductions from the out-of-hull weight of the castor beans for excess moisture, foreign material, and cracked and broken beans. The market price will be determined under a formula approved by the President of CCC, using the estimated average yield of castor oil and pomace multiplied by the respective market prices for castor oil and pomace, less usual commercial margins for processing, storage, transportation, and other costs. Premiums above the prices so determined will be paid for certain improved varieties of castor beans retained for planting seed. The production of castor beans is being encouraged in concentrated areas to facilitate receiving and hulling of beans. Technical guidance will be available to farmers participating in the program, and harvesting machinery will be available for rental or purchase by farmers and toll operators of farm machinery. Information and contract forms with respect to the program may be obtained from the appropriate State committee of the Production and Marketing Administration in areas where the program is in operation or by writing to the Fats and Oils Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C.

(Sec. 4, 62 Stat. 1070, as amended; sec. 704, Pub. Law 774, 81st Cong.; 15 U. S. C. Sup., 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 303, 304, Pub. Law 774, 81st Cong.; 15 U. S. C. Sup., 714c)

Issued this 29th day of June 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corp.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corp.

[F. R. Doc. 51-7707; Filed, July 3, 1951; 8:57 a. m.]

PART 674—FARM STORAGE FACILITIES

SUBPART—FARM STORAGE FACILITY LOAN PROGRAM

This bulletin states the requirements with respect to the Farm Storage Facility Loan Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA"). The program will be carried out by PMA under the general supervision and direction of the President, CCC.

Sec.
674.135 Administration.
674.136 Availability of loans.
674.137 Approved lending agencies.
674.138 Eligible borrowers.
674.139 Eligible structures.
674.140 Terms and conditions of loan.
674.141 Disbursement of loan.
674.142 Service fees.
674.143 Sale or conveyance of security.

AUTHORITY: §§ 674.135 to 674.143, issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U. S. C. Sup., 714c.

§ 674.135 *Administration.* The program will be administered by PMA, under the general direction and supervision of the President, CCC, and in the field will be carried out by State PMA and PMA county committees (hereinafter called state and county committees). State and county committees do not have authority to modify or waive any provisions of this bulletin or amendments or supplements hereto.

§ 674.136 *Availability of loans*—(a) *Area.* Loans will be available in all States.

(b) *Time.* Loan applications may be submitted from July 1, 1951, through June 30, 1952.

(c) *Source.* All forms and documents will be made available through the offices of county committees. Disbursements on loans will be made by approved lending agencies under agreements with CCC, or by drafts drawn on CCC by the State committee.

§ 674.137 *Approved lending agencies.* An approved lending agency shall be any bank, partnership, individual, or other legal entity which has entered into a lending agency agreement for storage loans (Form PMA 97B or other form prescribed by CCC).

§ 674.138 *Eligible borrowers.* Any person who, as tenant, landlord, or land owner-operator, produces one or more of the commodities listed in § 674.139, a landowner who rents for cash his land on which one or more of such commodities are produced, and any two or more of such persons who wish to join together in purchasing or constructing a facility, will be eligible for loans for the purchase or construction of eligible storage facilities needed by them, except that tenants will not be eligible for loans on immovable facilities unless the property on which the facility is to be located is held under an assignable long term lease (i. e., a lease which will run at least ten years beyond maturity of the loan) and the tenant has obtained, either in the lease or separately, the written consent of the owner of the land to construct the facility thereon. The term "person" means an individual, partnership, corporation or other legal entity.

§ 674.139 *Eligible structures.* (a) New farm storage facilities of movable or immovable type, and additions to existing immovable facilities, which meet the requirements for eligible storage under the CCC price support loan programs and which have not been purchased or partially constructed prior to the date application is made, will be eligible under this program provided such facilities are to be used for the storage of cottonseed, corn, wheat, rye, oats, barley, grain sorghums, soybeans, flaxseed, rice, dry edible beans, dry peas, or peanuts produced by or on land owned by the eligible borrower: *And provided, further,* That loans for the construction of immovable facilities for cottonseed, beans, peas, or peanuts, will be approved only in areas for which the State committee determines that existing privately owned storage facilities for such commodity or commodities in the area concerned are not adequate. The term "storage facility" includes operating equipment which is necessary for the proper handling and conditioning of the agricultural commodity to be stored and without which the facility cannot be operated.

(b) Loans will not be available for the repair, remodeling, refinancing, or maintenance of existing facilities; for the purchase of secondhand facilities; to provide storage facilities for commodities which the borrower intends to purchase or store for others; or to provide storage facilities which the borrower intends to lease to others, except in the case of landlords who rent the facility together with the land on which the commodity to be stored in such facility is produced.

§ 674.140 *Terms and conditions of loan*—(a) Term. The maximum term of the loan will be approximately five years, except that the term of an individual loan may be extended for one year by the county committee in case of catastrophic losses of crops or other conditions beyond the control of the borrower. Loans will be payable in equal annual principal payments with interest at four percent per annum on the unpaid balance. Loans will be secured by chattel mortgages on the storage facilities, real estate mortgage, deed of trust, or other security instrument approved by CCC, on the borrower's farm or other property on which the facility is to be located, or on a sufficient acreage of the farm which, in the judgment of the county committee, will make the site easily accessible for use of other farmers in the area, and constitute a salable unit. A first mortgage will be required except that where a first mortgage is not obtainable, a second mortgage loan may be made provided the prior lien on the farm is small enough that the borrower's equity in the farm, in the opinion of the county committee, is sufficient to assure his continued tenure of the farm, and provided the prior lien-holder subordinates his lien as to the structure and the site on which it is located, with the right of access to the storage facility. No second mortgage loans will be made on structures not located on the farm.

(b) *Amount of loan.* The maximum amount loaned shall be $30 per ton of the rated storage capacity for cottonseed and forty-five cents (45¢) per bushel for all other commodities, or eighty-five percent (85%) of the cost incurred whichever is less. The cost incurred shall include the expenditures of the borrower which are necessary for the purchase, delivery, and erection of the facility, and the cost of that operating equipment which is necessary for the proper handling and conditioning of the agricultural commodity to be stored and without which the facility cannot be operated. In determining the cost incurred, the applicant's and other labor usually employed on the farm, the cost of all equipment placed in the facility which is not necessary for its operation, and the cost of permanent foundations for movable facilities shall be excluded. In computing the capacity of the storage facility, two and one-half (2½) cubic feet shall be considered equivalent to one bushel of ear corn, ninety (90) cubic feet equivalent to one ton of cottonseed, and one and one-fourth (1¼) cubic feet equivalent to one bushel of all other commodities.

(c) *Repayment of loan.* Payment will be due annually in equal principal payments beginning the next January 31 following the fiscal year period July 1 through June 30, in which the loan is made. CCC shall be authorized to prepay, or require the borrower to prepay, the amount of any annual installment out of the proceeds from any price support loan or purchase agreement due the borrower within 12 months preceding the date on which the installment falls due. Any past due installment may be deducted and paid out of any amounts (except amounts due the borrower out of appropriated funds when the loan is held by a lending agency) due the borrower under any program carried out by the Department of Agriculture. In addition, any farm-storage payments due the borrower by CCC for storage of commodities in such farm-storage facilities may be applied to any installment past due or next maturing, and any excess thereover may be applied on the remaining principal. The loan may be paid in part or in full by the borrower at any time before maturity. Upon payment of farm-storage facility loans secured by mortgages or deeds to secure debt which are held by CCC or secured by deeds of trust under which CCC is beneficiary, the county committees should be requested to release or obtain the release of such instruments of record. The chairman of each county committee is authorized to act as agent of CCC in releasing or obtaining the release of such instruments. Upon payment of loans secured by instruments held by a lending agency or under which a lending agency is beneficiary, the lending agency should be requested to release or obtain the release of such instrument or instruments.

(d) *Insurance.* If the total amount loaned is $1,000 or more, insurance on a movable storage facility shall be required in an amount sufficient to cover the loan and with coverage for hazards existent in the area. Insurance shall be required on an immovable storage facility in like amount and coverage regardless of the size of the loan. All insurance shall be maintained during the life of the loan and the cost shall be borne by the borrower, and the policy shall contain a clause making any loss thereunder payable to CCC, and to any other holder of a note secured by the storage facility as their interests may appear.

(e) *Maintaining storage facility.* The borrower shall be required to maintain the storage facility in condition and keep it available for storage until the loan is paid. The borrower shall not use the facility for any purpose other than the storage of grain in the production of which he has an interest without the written consent of the State PMA Committee, except that landlords may rent the facility together with the land on which the commodity to be stored in such facility is produced.

§ 674.141 *Disbursement of loan.* In the case of movable storage facilities, disbursement will be made in full at the time of completion of the facility and after the facility has been inspected and approved by the county committee. In the case of immovable storage facilities, disbursement will be made either in full at the time of completion and approval of the facility or on a partial advance plan, as elected by the borrower in his application for a loan. Under the partial advance plan, the proceeds of the loan will be disbursed in the following manner: 10 percent upon the execution of the security instrument, an additional 20 percent when the construction is one-half completed, an additional 20 percent when the construction is three-fourths completed, and the remainder when the construction is fully completed. Final and complete disbursement of the loan proceeds on movable or immovable structures will not be made under any plan until the borrower furnishes satisfactory evidence of the payment of any debts on the facility in excess of the amount discharged with the loan.

§ 674.142 *Service fees.* There shall be collected from the applicant at the time the application is made, a service fee of eighteen cents (18¢) per ton of the rated storage capacity of the structure to be acquired or erected for the storage of cottonseed and a fee of ¼ cent per bushel of the rated capacity for all other commodities, but in no case shall the fee be less than $2.50. If the loan is rejected or is not completed, the minimum fee of $2.50 shall be retained by the county committee and the balance returned to the applicant.

§ 674.143 *Sale or conveyance of security.* When a borrower desires to sell or convey the facilities or other property securing a loan without repaying the loan in full, he shall apply to Chairman of the county committee for approval of the sale or conveyance on behalf of CCC. If such approval is granted, the borrower and his purchaser shall execute an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditions, covenants, and agreements set out in the security instruments. Approval of the transaction on behalf of CCC shall be shown by signature of the Chairman of the county committee in the space provided in the assumption agreement. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect to facilities located within the county, by executing the consent provision in the assumption agreement. The assumption agreement form may be obtained from the county committee office.

Issued this 29th day of June 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-7708; Filed, July 3, 1951; 8:57 a. m.]

PART 674—FARM STORAGE FACILITIES

SUBPART—PROGRAM TO FINANCE THE PURCHASE OF MECHANICAL DRIERS FOR FARM COMMODITIES

This bulletin states the requirements with respect to the Program to Finance the Purchase of Driers for Farm Commodities formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA"). The program will be carried out by PMA under the general supervision and direction of the President, CCC.

Sec.
674.155 Administration.
674.156 Availability of loans.
674.157 Approved lending agencies.
674.158 Eligible borrowers.
674.159 Eligible driers.
674.160 Terms and conditions of loan.
674.161 Disbursement of loans.
674.162 Service charges.
674.163 Sale or conveyance of security.

AUTHORITY: §§ 674.155 to 674.163, issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, as amended, 1072; 15 U. S. C. Sup., 714b, 714c.

§ 674.155 *Administration.* The program will be administered by PMA, under the general direction and supervision of the President, CCC, and in the field will be carried out by State PMA and PMA County committees (hereinafter called state and county committees). State and county committees do not have authority to modify or waive any provisions of this bulletin or amendments or supplements hereto.

§ 674.156 *Availability of loans*—(a) *Area.* Loans will be available in any state in the continental United States.

(b) *Time.* Loan applications may be submitted from July 1, 1951, through June 30, 1952.

(c) *Source.* Loans may be obtained directly from CCC or through approved lending agencies. Application for loan shall, in either case, be made to the county committee.

(d) *Approved forms.* Approved forms shall consist of "Application for Loan on Storage Equipment", "Storage Equipment Loan Commitment", "Promissory Note-Storage Equipment Loans", "Storage Equipment Chattel Mortgage", "Assumption Agreement", and such other forms as may be prescribed by CCC. Forms may be obtained from the office of the county committee for both direct and lending agency loans.

§ 674.157 *Approved lending agencies.* An approved lending agency shall be any bank, partnership, individual, or other legal entity which has entered into a lending agency agreement for storage equipment loans (Commodity Credit Corporation Form 505 or other form prescribed by CCC).

§ 674.158 *Eligible borrowers.* Any person who as tenant, landlord, or land owner-operator produces one or more of the commodities listed in § 674.159, a landowner who rents for cash his land on which one or more of such commodities are produced, and any two or more of such persons who wish to join together in purchasing such equipment, will be eligible for loans for the purchase of mechanical driers needed by them, provided such persons have storage facilities suitable for adaptation to artificial drying. The term "person" means an individual, partnership, corporation or other legal entity.

§ 674.159 *Eligible driers.* (a) New mechanical driers of a mobile type which have been approved on the basis of the borrower's facilities and requirements by the county committee in accordance with instructions issued by the President of Commodity Credit Corporation will be eligible under this program provided such driers are to be used in connection with the storage of corn, oats, barley, grain sorghums, wheat, rye, soybeans, flax, rice, dry edible beans and peas, peanuts, or cottonseed.

(b) Loans will not be available for repair, maintenance, or reconditioning of driers, nor for the purchase of second hand driers, nor for the purchase of driers for use in connection with the storage of commodities which the borrower intends to purchase or store for others.

§ 674.160 *Terms and conditions of loan*—(a) *Term.* The maximum term of the loan will be for a period of approximately three years, except that the term of particular loans may be extended, at the option of CCC, under conditions prescribed by the President, CCC. Loans will be payable in equal annual principal payments with interest at four percent per annum on the unpaid balance. Loans will be secured by chattel mortgages covering the driers.

(b) *Amount of loan.* The maximum amount to be loaned on any single drier will be seventy-five percent of the delivered cost to the producer of such drier.

(c) *Repayment of loan.* Payment will be due annually in equal principal payments beginning the next January 31 following the fiscal year period, July 1 through June 30, in which the loan is made. CCC shall be authorized to prepay or require the borrower to prepay the amount of any annual installment out of the proceeds from any price support loan or purchase agreement due the borrower within twelve months preceding the date on which the installment falls due. Any past due installment may be deducted and paid out of any amounts (except amounts due the borrower out of appropriated funds when the loan is held by a lending agency) due the borrower under any program carried out by the Department of Agriculture. The loan may be paid in part or in full by the borrower at any time before maturity. Upon payment of a loan secured by a mortgage which is held by CCC, the county committee should be requested to release the mortgage of record by filing an instrument of release or by a marginal release on the county records. Upon payment of loans secured by mortgages held by a lending agency, the lending agency should be requested to release such mortgage. The chairman of each county committee is authorized to act as agent of CCC in executing or obtaining such releases.

(d) *Insurance.* The borrower will be required to provide insurance in an amount sufficient to cover the loan, and with coverage for fire and other hazards common to the area for such equipment, as determined necessary by the county committee. The insurance shall be maintained during the life of the loan, shall contain a loss payable clause in favor of the holder of the note and CCC, as their interest may appear, and the cost shall be borne by the borrower.

(e) *Maintaining driers.* The borrower shall be required to maintain the drier in good condition and repair.

§ 674.161 *Disbursement of loans.* Loans will be disbursed to borrowers by lending agencies under agreement with CCC or direct by CCC. Direct loans to borrowers may be disbursed by means of sight drafts issued by State PMA Offices.

§ 674.162 *Service charges.* A service charge (fee) of $2.50 or .5 of one percent of the amount of the loan, whichever is greater, shall be paid by the borrower at the time the application is made. If the loan is rejected or is not completed, the minimum fee of $2.50 shall be retained by the county committee and the balance returned to the applicant.

§ 674.163 *Sale of conveyance of security.* When a borrower desires to sell or convey the mechanical drier securing a loan without repaying the loan in full, he shall apply to Chairman of the county committee for approval of the sale or conveyance on behalf of CCC. If such approval is granted, the borrower and his purchaser shall execute an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditions, covenants, and agreements set out in the security instruments. Approval of the transaction on behalf of CCC shall be shown by signature of the Chairman of the county committee in the space provided in the assumption agreement. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect to mechanical driers located within the county, by executing the consent provision in the assumption agreement. The assumption agreement form may be obtained from the county committee office.

Issued this 29th day of June 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-7709; Filed, July 3, 1951; 8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION OF DAIRY PRODUCTS

On June 5, 1951, notice was published in the FEDERAL REGISTER (F. R. Doc. 51-

6481; 16 F. R. 5280) regarding proposed issuance of regulations governing the grading, inspection, sampling, grade labeling, and supervision of packaging of butter, cheese, and other manufactured or processed dairy products pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act of 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950), or any future act of Congress conferring like authority.

These regulations are essentially the same as Part 55 with respect to dairy products and the only principal revisions and additions made are as follows: The hourly rate for the grading service is increased from $3.00 to $3.60; a new fee schedule is included to cover the grading of swiss cheese; and a new section provides for denial of grading service under certain conditions involving fraudulent grade labeling practices by users of the service.

After consideration of all relevant matters presented, including the proposals in the aforesaid notice, the Department finds that it is unnecessary and contrary to the public interest to postpone the effective date of these regulations until 30 days after publication in the FEDERAL REGISTER, because: (1) Promulgation of these rules and regulations superseding Part 55 with respect to Dairy Products, is necessary for continuation without interruption of the grading and inspection services on dairy products, and (2) Applicants for the service will not experience any hardship by virtue of any additional requirements that may be contained in Part 58, nor need there be any special preparations made; therefore, the rules and regulations hereinafter set forth are promulgated to become effective July 1, 1951.

The rules and regulations are as follows:

DEFINITIONS

ADMINISTRATION

GRADING SERVICE

APPLICATION FOR GRADING, INSPECTION, AND SAMPLING

APPEAL GRADING AND REGRADING

AUTHORIZATION AND LICENSING OF GRADERS, INSPECTORS, SAMPLERS, AND SUPERVISORS OF PACKAGING

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MARKING, BRANDING, AND IDENTIFYING PRODUCT

PREREQUISITES TO PACKAGING PRODUCTS WITH GRADE IDENTIFICATION LABELS

MISCELLANEOUS

AUTHORITY: §§ 58.1 to 58.64 issued under sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624.

DEFINITIONS

§ 58.1 *Meaning of words.* Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

§ 58.2 *Terms defined.* For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, as follows:

(a) *Act.* "Act" means the following provisions of the Department of Agriculture Appropriation Act of 1951 (Pub. Law 759, 81st Cong.), or any future act of Congress conferring like authority:

* * * For enabling the Secretary to investigate and certify, in one or more jurisdictions, to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, canned, or otherwise processed, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered * * *

(b) *Administration.* "Administration" means the Production and Marketing Administration of the Department.

(c) *Administrator.* "Administrator" means the Administrator of the Production and Marketing Administration of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated by the Administrator, the authority to act in his stead.

(d) *Applicant.* "Applicant" means an interested party who requests any grading service, appeal grading, or regrading with respect to any product.

(e) *Class.* "Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind, species, or method of processing.

(f) *Condition.* "Condition" means any condition (including, but not being limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food) of any product which affects its merchantability.

(g) *Department.* "Department" means the United States Department of Agriculture.

(h) *Grader.* "Grader" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the act and this part, to shippers of products and other interested parties the class, quality, and condition of such products.

(i) *Grading.* "Grading" means (1) the act of determining, according to the regulations, the class, quality, or condition of any product by examining each unit thereof or a representative sample drawn by a grader or sampler; (2) the act of issuing a grading certificate; or (3) the act of identifying, when requested by the applicant, any product by means of official identification pursuant to the act and this part.

(j) *Grading certificate.* "Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the act and this part, relative to the class, quality, and condition of products.

(k) *Grading service.* "Grading service" or "continuous inspection" means (1) any grading, in accordance with the act and the regulations, of any product;

(2) continuous supervision, including quality control, in any official plant, of the preparation or packaging of any product; (3) any regrading of any previously graded product; or (4) any appeal grading of any previously graded product.

(l) *Inspector.* "Inspector" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to inspect and certify the condition of products.

(m) *Interested party.* "Interested party" means any person financially interested in a transaction involving any grading, appeal grading, or regrading of any product.

(n) *Office of grading.* "Office of grading" means the office of any grader, sampler, or inspector.

(o) *Official identification.* "Official identification" means the symbol represented by a stamp, label, seal, mark, or other device approved by the Administrator, affixed to any product or to any container thereof, stating that the product was graded or inspected and indicating the class, quality, grade, or condition of such product.

(p) *Official plant.* "Official plant" means one or more buildings, or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under inspection or grading service and in which inspection or grading is carried on in accordance with the regulations in this part.

(q) *Person.* "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(r) *Product or products.* "Product" or "products" means butter, cheese (whether natural or processed), milk, cream, milk products (whether dried, evaporated, or condensed), and such other perishable farm products as the Secretary may hereafter designate. Such term shall also include any food product which is prepared or manufactured from any of the aforesaid products if such products constitute at least 50 percent, by weight, of all the ingredients used in the preparation or manufacture of such food product.

(s) *Quality.* "Quality" means the inherent properties of any product which determine its relative degree of excellence.

(t) *Regulations.* "Regulations" means the provisions of this part.

(u) *Sampler.* "Sampler" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to draw samples of products for grading by a grader or for lot analysis under the act and this part.

(v) *Sampling.* "Sampling" means the act of taking samples of any product for grading.

(w) *Sampling report.* "Sampling report" means a statement, either written or printed, issued by a sampler, identifying samples taken by him for grading.

(x) *Secretary. "Secretary"* means the Secretary of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(y) *Supervisor of packaging.* "Supervisor of packaging" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to supervise the packaging and grade labeling of products.

ADMINISTRATION

§ 58.3 *Authority.* The administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement and administration of the provisions of the act and this part.

GRADING SERVICE

§ 58.4 *Kind of service.* Any grading service performed in accordance with this part may be for class, quality, and condition, or any combination thereof, and such service shall be subject to supervision at any time by the Administrator.

§ 58.5 *Where grading service is offered.* Any product may be graded, inspected, and sampled wherever a grader, sampler, or inspector is available and the facilities and the conditions are satisfactory for the conduct of the grading service.

§ 58.6 *Filing of application.* An application for grading, inspection, or sampling of a specified lot of any product shall be regarded as filed only when made pursuant to this part.

APPLICATION FOR GRADING, INSPECTION AND SAMPLING

§ 58.7 *Who may obtain grading, inspection and sampling service.* An application for grading, inspection, or sampling service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

§ 58.8 *How to make application.* An application for any grading service may be made in any office of grading, or with any grader, sampler, or inspector at or nearest the place where the service is desired. Such application for service may be made orally (in person or by telephone), in writing, or by telegraph. If an application for grading service is made orally, the office of grading, grader, sampler, or inspector with whom such application is made, or the Administrator, may require that the application be confirmed in writing.

§ 58.9 *Form of application.* Each application for grading, inspecting, or sampling a specified lot of any product shall include such information as may be required by the Administrator in regard to the product and the premises where such product is to be graded, inspected, or sampled.

§ 58.10 *Granting of application.* An application for continuous inspection may be approved only with respect to an official plant.

§ 58.11 *When application may be rejected.* Any application for grading service or sampling service may be rejected by the Administrator (a) whenever the product involvd is owned by, or located on the premises of, a person currently denied the benefits of the act, or (b) for noncompliance by the applicant with the act or the regulations; and each such applicant shall be notified immediately of the reasons for the rejection.

§ 58.12 *When application may be withdrawn.* An application for grading service may be withdrawn by the applicant at any time before the service is performed upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

§ 58.13 *Authority of applicant.* Proof of the authority of any person applying for any grading service may be required in the discretion of the Administrator.

§ 58.14 *Accessibility and condition of product.* Each product for which grading service is requested shall be so conditioned and placed as to permit a proper determination of the class, quality, or condition of such product.

§ 58.15 *Disposition of graded product.* Any product, or sample thereof, which has been graded may be returned to the applicant at his request and at his expense if such request was made at the time of application for the grading service. In the event the aforesaid request was not made at the time of application for the grading service, the product or sample may be disposed of in such manner as the Administrator may approve.

§ 58.16 *Basis of grading service.* Products shall be graded in accordance with such standards, methods, and instructions as may be issued, or approved, by the Administrator. The supervision of packaging graded products shall be in accordance with such instructions as may be issued, or approved, by the Administrator.

§ 58.17 *Order of service.* Grading service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal grading.

§ 58.18 *Grading certificates and sampling report forms.* Grading certificates (including appeal grading certificates and regrading certificates) and sampling report forms shall be issued on forms approved by the Administrator.

§ 58.19 *Grading certificate issuance.* Each grader and each inspector shall issue a grading certificate covering each product graded; but in no case shall a grader or inspector sign any certificate covering any product not graded by him.

§ 58.20 *Disposition of grading certificates.* The original of any grading certificate, issued pursuant to § 58.19, and not to exceed four copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of grading serving the area in which the grading service was performed, and all other copies shall be filed in such manner as the Administrator may approve. Additional copies of any such certificate may be supplied to any interested party as provided in § 58.41.

§ 58.21 *Advance information.* Upon request of an applicant, all or part of the contents of any grading certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at applicant's expense.

APPEAL GRADING AND REGRADING

§ 58.22 *When appeal grading may be requested.* An application for an appeal grading may be made by any interested party who is dissatisfied with any determination stated in any grading certificate, if the identity of the samples, or the product, has not been lost; and such application for an appeal grading shall be made within two days following the day on which the grading was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

§ 58.23 *How to obtain appeal grading.* Appeal grading may be obtained by filing a request therefor, (a) with the Administrator, (b) with the grader or inspector who issued the grading certificate with respect to which the appeal grading is requested, (c) with the immediate superior of such grader or inspector, or (d) with the officer in charge of any office of grading. The application for appeal grading shall state the reasons therefor and may be accompanied by a copy of the aforesaid grading certificate or any other information the applicant may have secured regarding the product, at the time of grading, from which the appeal is requested. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

§ 58.24 *Record of filing time.* A record showing the date and hour when each such application for appeal grading is received shall be maintained in such manner as the Administrator may prescribe.

§ 58.25 *When an application for an appeal grading may be refused.* If it appears to the Administrator that the reasons for an appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone a material change since the grading from which the appeal is made, or the identical products graded cannot be made accessible for regrading, or the act or this part has not been complied with, the Administrator may refuse the applicant's request for the appeal grading; and such applicant shall be promptly notified of the reason for such refusal.

§ 58.26 *When an application for an appeal grading may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

§ 58.27 *Order in which appeal gradings are performed.* Appeal gradings shall be performed, insofar as practicable, in the order in which applications therefor are received; and any such application may be given precedence pursuant to § 58.17.

§ 58.28 *Who shall make appeal gradings.* An appeal grading of any graded product shall be made by any grader (other than the one from whose grading the appeal is made) designated for this purpose by the Administrator; and, whenever practical, such appeal grading shall be conducted jointly by two such graders.

§ 58.29 *Appeal grading certificate.* Immediately after an appeal grading has been completed, an appeal grading certificate shall be issued showing the results of such appeal grading. Such certificate shall thereupon supersede the grading certificate for the product involved and such supersedure shall be effective as of the time of issuance of the grading certificate with respect to which the appeal is made. Each appeal grading certificate shall clearly set forth the number and the date of the grading certificate which it supersedes. The provisions of § 58.18 to § 58.21, both inclusive, shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished each interested party of record.

§ 58.30 *Regrading of a graded product; application for regrading of a graded product*—(a) *Regrading of a graded product.* Whenever the immediate superior of a grader has evidence that such grader incorrectly graded a product, such superior shall immediately make a regrading of the product.

(b) *Application for regrading of a graded product.* An application for the regrading of any previously graded product may be made at any time by any interested party; and such application shall clearly indicate the reasons for requesting the regrading. The provisions of the regulations relative to grading service shall apply to regrading service.

§ 58.31 *Regrading certificate.* Immediately after a regrading has been completed, a regrading certificate shall be issued showing the results of such regrading; and such certificate shall thereupon supersede, as of the time of issuance of the regrading certificate, the grading certificate previously issued for the product involved. Each regrading certificate shall clearly set forth the number and date of the grading certificate which it supersedes. The provisions of § 58.18 to § 58.21, both inclusive, shall, whenever applicable, also apply to regrading certificates except that copies of such regrading certificates shall be furnished each interested party of record.

§ 58.32 *Superseded certificates.* When any grading certificate is superseded in accordance with this part, such certificate shall become null and void and, after the effective time of the supersedure, shall no longer represent the class, quality, or condition of the product described therein. If the original and all copies of such superseded certificate are not delivered to the person issuing the regrading or appeal grading certificate, he shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

AUTHORIZATION AND LICENSING OF GRADERS, INSPECTORS, SAMPLERS, AND SUPERVISORS OF PACKAGING

§ 58.33 *Who may be authorized or licensed.* Any person possessing proper qualifications, as determined by an examination for competency, held at such time and in such manner as may be prescribed by the Administrator, may, (a) if an employee of the Department, be authorized by the Secretary, or (b) if not an employee, be licensed by the Secretary, as a grader, inspector, sampler, or supervisor of packaging for the performance of the applicable duties. Each prospective licensee, other than a State employee, shall, prior to the issuance of the license, procure and deliver to the Administration a surety bond, issued by such surety as may be approved by the Administrator, in the amount of $1,000 for the proper performance of the duties of such person as a licensee under the act and this part. Each authorization, and each license, issued by the Secretary shall be countersigned by the Administrator.

§ 58.34 *Suspension or revocation of authority or license.* Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the authority or license issued to any person pursuant to this part, by giving written notice of such suspension to such person, accompanied by a statement of the reasons therefor. Within seven days after receipt of the aforesaid notice, such person may file a written appeal with the Secretary, supported by any argument or evidence such person may wish to offer as to why his authority or license should not be suspended or revoked. After the expiration of the aforesaid seven day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation.

§ 58.35 *Cancellation of authority or license.* Upon termination of any person's services as a grader, inspector, sampler, or supervisor of packaging, he shall surender the authority or license, issued to him pursuant to this part, for cancellation by the Administrator.

§ 58.36 *Surrender of authority or license.* Each authority, and each license, that is suspended or revoked, or has expired, shall be surrendered by the holder thereof to his immediate superior.

FEES AND CHARGES

§ 58.37 *Payment of fees and charges.* (a) Fees and charges for any grading service shall be paid by the interested party, making the application for such grading service, in accordance with the applicable provisions of this section and § 58.38 to § 58.48, both inclusive; and, if so required by the grader, inspector, or sampler, such fees and charges shall be paid in advance.

(b) Fees and charges for any grading service performed by any grader, inspector, or sampler who is a salaried employee of the Department, shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by the interested party making application for such grading service by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Administration.

(c) Fees and charges for any grading service under a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement by the interested party making application for any such grading service.

§ 58.38 *On a fee basis.* (a) Unless otherwise provided herein, the fees to be charged and collected for any service (other than for an appeal grading) performed, in accordance with this part, on a fee basis shall be based on the applicable rates specified in § 58.43 to § 58.46, both inclusive.

(b) In the event the aforesaid applicable rates are deemed by the Administrator to be inadequate fully to reimburse the Administration for all costs and other items paid or incurred by the Administration in connection with such service, the fees for such service shall not be based on the rates specified in § 58.43 to § 58.46, both inclusive, but shall be based on the time required to perform such service and the travel of each grader, inspector, sampler, and supervisor of packaging at the rate of $3.60 per hour for the time actually required.

(c) If an applicant requests that grading service be performed (1) on a holiday, he may be charged a rate double the rate otherwise applicable, and (2) on a non-work day, he may be charged a rate one and one-half times the otherwise applicable rate.

§ 58.39 *Fees for grading samples.* The fee to be charged for the grading of each lot of samples of any product shall be based on the actual time required to perform the service and shall be at the rate of $3.60 per hour, with a minimum charge of $1.80 for each such lot of samples.

§ 58.40 *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fees specified in the grading certificate from which the appeal is taken: *Provided,* That the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be the same as set forth in the grading certificate from which the appeal is taken. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

§ 58.41 *Fees for additional copies of grading certificates.* Additional copies of any grading certificates, other than those provided for in § 58.20, may be supplied to any interested party upon payment of a fee of $1.50 for each set of five, or fewer copies.

§ 58.42 *Traveling expenses and other charges.* Charges may be made to cover the cost of traveling and other expenses incurred by the Administration in connection with the performance of any grading service.

§ 58.43 *Butter and cheese grading fees.* For each grading or regrading of any lot of butter, cheddar cheese, or swiss cheese, the following fees, on the basis of the net weight of such lot or the actual number of churnings of butter, vats of cheddar cheese, or wheels of swiss cheese comprising such lot, shall be applicable:

(a) When all the packages in any such lot are not individually identified by churning of butter or vat of cheddar cheese, the following fees shall be effective:

For 500 pounds or less	$1.80
For 501 to 1,500 pounds, inclusive	2.70
For 1,501 to 3,000 pounds, inclusive	3.60
For 3,001 to 6,000 pounds, inclusive	4.50
For 6,001 to 10,000 pounds, inclusive	6.50
For 10,001 to 15,000 pounds, inclusive	8.50
For 15,001 to 20,000 pounds, inclusive	10.50
For each additional 10,000 pounds, or fraction thereof, in excess of 20,000 pounds	2.50

(b) When all the packages in any such lot are individually identified by churning of butter or vat of cheddar cheese, the following fees shall be effective:

For 5 or less churnings or vats (total weight less than 18,000 pounds)	$2.00
For each additional churning or vat in excess of 5, an additional charge of	.30
For any lot of butter or cheddar cheese weighing at least 18,000 pounds, the minimum charge shall be	6.00

(c) When all the wheels of swiss cheese are individually identified by kettle of swiss cheese, the following fees shall be effective:

For 5 or less wheels	$2.00
For each additional wheel	.20

§ 58.44 *Milk sampling fees.* (a) For each sampling of any lot of dry milk, the following fees shall be applicable:

For 1,500 pounds or less	$1.75
For 1,501 to 3,000 pounds, inclusive	2.50
For 3,001 to 6,000 pounds, inclusive	3.25
For 6,001 to 10,000 pounds, inclusive	4.00
For each additional 10,000 pounds, or fraction thereof, in excess of 10,000 pounds	2.00

(b) For each lot of evaporated or condensed milk, the following fees shall be applicable:

For 50 packages or less	$1.75
For 51 to 200 packages, inclusive	2.50
For 201 to 400 packages, inclusive	3.25
For 401 to 600 packages, inclusive	4.00
For each additional 500 packages, or fraction thereof, in excess of 600 packages	1.00

§ 58.45 *Fees for laboratory analyses.* For each of the following laboratory analyses, the fee referable thereto shall be applicable except as otherwise provided in paragraph (i) of this section.

(a) *Dry milk.*

Scorched particles	$0.75
Moisture	1.50
Fat	2.00
Solubility	.50
Bacteriological plate count	1.00
Titratable acidity	.50
Flavor, color	.50
Alkalinity of ash	2.00
Whey protein test, single sample	1.50
Whey protein test (for each additional sample in the same shipment)	.75

(b) *Dry whey.*

Sediment	$0.75
Moisture	1.50
Fat	2.00
Bacteriological plate count	1.00
E. coli count	1.00
Total ash	1.50
Alkalinity of ash	2.00
Protein	2.50
Flavor, color	.50

(c) *Evaporated milk.*

Solids	$1.50
Fat	2.00
Flavor, color, body	.50
Net weight	.50

(d) *Sweetened condensed milk.*

Solids	$1.50
Fat	2.00
Sugar	3.00
Sediment	.75
Bacteriological plate count	1.00
Yeast and mold count	1.00
E. coli count	1.00
Net weight	.50
Flavor, color, body	.50

(e) *Natural cheese.*

Complete moisture test in duplicate	$4.00
Fat	2.00

(f) *Process cheese.*

Moisture	$2.00
Fat	2.00
Melting test	.50

(g) *Butter oil (milk fat).*

Moisture	$1.50
Fat	2.00

(h) *Butter.*

Moisture, salt, and curd	$1.50
Fat	2.00

(i) *Bacteriological analyses and other specified determinations with respect to individual tests for one factor.*

Bacteriological plate count	$1.50
Bacteriological direct count	1.50
E. Coli count	1.80
Yeast and mold count	1.80
Sediment	1.00
pH	.75
Flavor, color	1.00

§ 58.46 *Additional charges.* With respect to any grading service performed in a freight or express car or any other place where the entire lot of the product is not readily accessible to the grader, inspector or sampler, if the time required for the performance of such service is greater than would otherwise be required if the entire lot were readily accessible, as aforesaid, a fee of $4.00 shall be charged in addition to the applicable rates specified in § 58.43 to § 58.45, both inclusive.

§ 58.47 *On a contract basis.* Fees to be charged and collected for any service, other than for an appeal grading, on a contract basis, shall be such as are provided in such contract. The fees to be charged for any appeal grading shall be as provided in § 58.38 to § 58.45, both inclusive.

§ 58.48 *Fees for grading service performed under cooperative agreement.* The fees to be charged and collected for any service performed under cooperative agreement shall be those provided for by such agreement.

MARKING, BRANDING, AND IDENTIFYING PRODUCT

§ 58.49 *Authority to use official identification.* Whenever the Administrator determines that the granting of authority to any person to package any product, graded pursuant to this part, and to use official identification, pursuant to § 58.49 to § 58.57, both inclusive, will not be inconsistent with the act and this part, he may authorize such use of official identification. Any application for such authority shall be submitted to the Administrator in such form as he may require.

§ 58.50 *Approval of official identification.* Any grade label, inspection mark, or packaging material which is to be used as official identification shall be used only in such manner as the Administrator may prescribe; and such label, inspection mark, and packaging material shall be of such form and contain such information as the Administrator may require. No grade label, inspection mark, or packaging material may be used in the identification of any graded or inspected product unless finished copies or samples of such grade label, inspection mark, and packaging material have been approved by the Administrator.

§ 58.51 *Information required on official identification label.* Each grade or inspection label which is to be used as official identification shall conspicuously indicate the U. S. grade of the product it identifies and appropriate terminology if manufactured or processed under continuous inspection. It shall also include the appropriate phrase: "Officially graded," "Officially inspected," "Federal-State graded," or "Government graded." When required by the Administrator, the grade or inspection label shall also include all or any portion of the information set forth in paragraphs (a) and (b) of this section.

(a) The grade identification label on butter packaging material shall be stamped or perforated with the date of grading and the number of the grading certificate issued on the product.

(b) The grade or inspection label on packaging material for dairy products other than butter shall be stamped or perforated with a code number to indicate lot and date packed.

§ 58.52 *Time limit for packaging graded butter with grade identification labels.* Any lot of butter which is graded pursuant to this part may be packaged only within seven days immediately following the date of grading.

§ 58.53 *Supervisor of packaging required.* The official identification of any graded or inspected product, as provided in § 58.50 to 58.57, both inclusive, shall be done only under the supervision of a grader, inspector, or supervisor of packaging. The authority to use grade or inspection identification labels may be granted by the Administrator only to applicants who utilize the services of a supervisor of packaging in accordance with this part.

PREREQUISITES TO PACKAGING PRODUCTS WITH GRADE IDENTIFICATION LABELS

§ 58.54 *Packing and packaging room and equipment shall be clean and sanitary.* Each applicant who is granted the authority to package any product with a grade identification label and who operates, for such purpose, a printing and packaging room, shall maintain the room and the equipment therein in a clean and sanitary condition and, in addition, in accordance with the instructions of the Administrator.

§ 58.55 *Facilities for incubating butter samples required.* Each applicant granted the authority, as aforesaid, to package graded butter with grade identification labels shall provide and maintain a cabinet of suitable construction, equipped with temperature control, for the purpose of incubating samples of graded butter. Suitable facilities for the purpose of cleaning and sterilizing the equipment used in performing such incubation also shall be provided by such applicant.

§ 58.56 *Incubation of butter samples to determine keeping quality.* Samples of butter may be taken by a grader, pursuant to the instructions of the Administrator, from any lot of butter which is submitted for grading and packaging with grade identification labels, for the purpose of determining, by subsequent examination, whether such butter possesses satisfactory keeping quality, as determined by the grader in accordance with such standards as the Administrator may prescribe.

§ 58.57 *Butter of known unsatisfactory keeping quality shall not be eligible for packaging with grade identification labels.* Any butter produced in a creamery whose production of butter, within 30 days prior to current grading, has shown unsatisfactory keeping quality, as evidenced by the keeping quality test pursuant to § 58.56, shall not be packaged with any grade identification label until it is determined, by the grader, that such butter possesses satisfactory keeping quality.

MISCELLANEOUS

§ 58.58 *Fraud or misrepresentation.* Any wilful misrepresentation or deceptive or fraudulent practice found to be made or committed by any person in connection with:

(a) The making or filing of any application for any grading service, appeal, or regrading service;

(b) The use of any grading certificate, issued pursuant to this part, or the use of any official identification;

(c) The use of the words "Government graded," "Officially graded," "Federal-State graded," or words of similar import in the labeling or advertising of any product without stating in conjunction therewith the official U. S. grade of the product;

(d) The use of any of the aforesaid words or an official identification in the labeling or advertising of any product that has not been graded pursuant to this part;

(e) The use of a facsimile form which simulates in whole or in part any official identification for the purpose of purporting to evidence the U. S. grade of any product; or

(f) Any wilful violation of the regulations or the supplementary rules and instructions issued by the Administrator; may be deemed sufficient cause for debarring such person from any or all benefits of the act after opportunity for hearing has been accorded him; and pending investigation and hearing the Administrator may direct, without hearing, that such person shall be denied the benefits of the act.

§ 58.59 *Fraudulent grade labeling practices.* The Administration will not render grading service for any person found or discovered to be wilfully using in the labeling of any product any words, numerals, letters, or facsimile form which simulates in whole or in part any identification purporting to be a grade when such product does not comply with any recognized standards in general use for such grade, and such activity may be deemed sufficient cause for debarring such person from any or all benefits of the act after opportunity for hearing has been accorded him; and pending investigation and hearing the Administrator may direct, without hearing, that such person shall be denied the benefits of the act.

§ 58.60 *Political activity.* All graders, inspectors, and samplers are forbidden during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, state, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 58.61 *Report of violations.* Each grader, inspector, sampler, and supervisor of packaging shall report, in the manner prescribed by the Administrator, all violations and noncompliances under the act and this part of which such grader, inspector, sampler, or supervisor of packaging has knowledge.

§ 58.62 *Interfering with a grader, inspector, or sampler.* Any further bene-

fits of the act may be denied any applicant who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or in any other manner, a grader, inspector, or sampler in the performance of his duties.

§ 58.63 *Publications.* Publications under the act and this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

§ 58.64 *Identification.* Each grader, inspector, sampler, and supervisor of packaging shall have in his possession at all times, and present upon request, while on duty, the means of identification furnished by the Department to such person.

Issued at Washington, D. C., this 29th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7714; Filed, July 3, 1951; 9:00 a. m.]

Chapter II—Production and Marketing Administration (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURE

THIRD APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, FISCAL YEAR 1951

Pursuant to section 4 of the National School Lunch Act (60 Stat. 230), food assistance funds available for the fiscal year ending June 30, 1951, are reapportioned among the several States as follows:

State	Total	State agency	Private schools
Alabama	$2,480,528	$2,424,815	$55,713
Arizona	414,193	391,793	22,400
Arkansas	1,678,059	1,648,495	29,564
California	3,148,672	3,148,672	
Colorado	512,286	468,107	44,179
Connecticut	597,774	597,774	
Delaware	85,986	80,008	5,978
District of Columbia	215,783	215,783	
Florida	1,250,744	1,205,891	44,853
Georgia	2,408,573	2,408,573	
Idaho	306,382	297,382	9,000
Illinois	2,394,660	2,394,660	
Indiana	1,613,903	1,613,903	
Iowa	969,550	870,655	98,895
Kansas	824,855	824,855	
Kentucky	2,224,937	2,224,937	
Louisiana	1,796,974	1,796,974	
Maine	425,954	377,826	48,128
Maryland	713,214	630,531	82,683
Massachusetts	1,538,893	1,309,179	229,714
Michigan	2,410,144	2,119,721	290,423
Minnesota	1,265,210	1,090,004	175,206
Mississippi	2,179,304	2,179,304	
Missouri	1,606,215	1,606,215	
Montana	188,599	171,894	16,705
Nebraska	494,103	442,912	51,191
Nevada	47,738	47,060	678
New Hampshire	229,276	229,276	
New Jersey	1,467,843	1,190,074	277,769
New Mexico	397,263	397,263	
New York	3,742,108	3,742,108	
North Carolina	3,053,422	3,053,422	
North Dakota	277,904	251,464	26,440
Ohio	2,797,851	2,417,098	380,753
Oklahoma	1,485,538	1,485,538	
Oregon	655,183	655,183	
Pennsylvania	3,371,503	2,869,509	501,994
Rhode Island	245,259	245,259	
South Carolina	1,828,324	1,810,769	17,555
South Dakota	210,462	189,576	20,886
Tennessee	$2,310,385	$2,255,119	$55,266
Texas	3,993,698	3,993,698	
Utah	390,668	385,272	5,396
Vermont	184,007	184,007	
Virginia	1,698,641	1,646,321	52,320
Washington	914,811	863,390	51,421
West Virginia	1,260,747	1,233,156	27,591
Wisconsin	1,344,994	1,062,605	282,389
Wyoming	116,880	116,880	
Alaska	10,551	10,551	
Hawaii	73,320	57,521	15,799
Puerto Rico	2,377,490	2,377,490	
Virgin Islands	43,639	43,639	
Total	68,275,000	65,354,111	2,920,889

(60 Stat. 230; 42 U. S. C. 1751-1760)

Dated: June 29, 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7710; Filed, July 3, 1951; 8:59 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 728—WHEAT

SUBPART—1952-53

Sec.
728.201 Basis and purpose.
728.202 National marketing quota for wheat for 1952-53 marketing year.
728.203 1952 acreage allotments for wheat.

AUTHORITY: §§ 728.201 to 728.203 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 304, 332, 333, 335, 371, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1304, 1332, 1333, 1335, 1371.

§ 728.201 *Basis and purpose.* The regulations contained in §§ 728.201 to 728.203 are issued to announce that no national marketing quota for wheat shall be in effect during the marketing year beginning July 1, 1952, and that no national, State, county, or farm acreage allotments for wheat will be established for the 1952 crop under the provisions of Title III of the Agricultural Adjustment Act of 1938, as amended.

Section 335 of the act provides, in effect, that whenever in the calendar year 1951 the Secretary of Agriculture determines (a) that the total supply of wheat for the 1951-52 marketing year will exceed the normal supply for such marketing year by more than 20 per centum, or (b) that the total supply of wheat for the 1950-51 marketing year is not less than the normal supply for such marketing year and that the average farm price for wheat for three consecutive months of such marketing year does not exceed 66 per centum of parity, the Secretary shall, not later than July 1, 1951, proclaim such fact and a national marketing quota shall be in effect on the marketing of wheat during the 1952-53 marketing year. Section 332 of the act requires the Secretary, not later than July 15 of each marketing year, to ascertain and proclaim the total supply and the normal supply of wheat for such marketing year and proclaim the national acreage allotment for the next crop of wheat.

Section 371 (b) of the act authorizes the Secretary of Agriculture to dispense with marketing quotas or acreage allotments for any basic agricultural commodity if he finds, after appropriate investigation, that such action is necessary to effectuate the declared policy of the act, or to meet a national emergency or increase in export demand for the commodity. Section 304 of the act provides that in carrying out the purposes of the act, it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers.

The findings and determinations made in § 728.202, which are based on the latest available statistics of the Federal Government, show that no national marketing quota for wheat for the 1952-53 marketing year is required. Accordingly, § 728.202 states that no such quota will be in effect for that marketing year.

Pursuant to section 371 (b) of the act, an investigation has been made to determine whether acreage allotments should be in effect for the 1952 wheat crop. On the basis of that investigation, it is hereby found and determined that it is necessary, in order to effectuate the declared policy of the act and to meet the present national emergency in food production, to dispense with national, State, county, and farm acreage allotments for the 1952 wheat crop. That action is made effective by the issuance of § 728.203.

Prior to taking the action herein, public notice was given (16 F. R. 5454), in accordance with the Administrative Procedure Act (5 U. S. C. 1003), that the Secretary was preparing to determine whether marketing quotas are required for the 1952 wheat crop, and to determine and proclaim the national acreage allotment for that wheat crop. The notice also stated that the Secretary had under consideration the matter of dispensing with marketing quotas and acreage allotments under the applicable provisions of the act, including sections 304 and 371 (b). All written submissions which were received within the period stated in the notice have been considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 728.202 *National marketing quota for wheat for the 1952-53 marketing year.* The total supply of wheat for the 1951-52 marketing year is determined to be 1,477 million bushels. The normal supply of wheat for such marketing year is determined to be 1,273 million bushels. This indicated total supply does not exceed the normal supply by more than 20 per centum. The average farm price for wheat has not been as low as 66 per centum of the parity price for wheat for three successive months in the 1950-51 marketing year. Therefore, no national marketing quota for wheat shall be in effect during the 1952-53 marketing year.

§ 728.203 *1952 acreage allotments for wheat.* No national, State, county, or

farm acreage allotments will be established for the 1952 wheat crop.

Issued at Washington, D. C., this 29th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7706; Filed, July 3, 1951; 8:57 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[957.308 Amdt. 1]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said amended order, and upon other available information, it is hereby found that the amended limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Irish potatoes grown in the area regulated by Order No. 57, as amended

Order, as amended. The provisions of subparagraphs (2) and (3) of paragraph (b) (§ 957.308—16 F. R. 5833) are hereby amended to read as follows:

(2) During the period beginning 12:01 a. m., m. s. t., July 3, 1951, and ending 12:01 a. m., m. s. t., November 1, 1951, no handler shall ship Russet Burbank potatoes which do not comply with the aforesaid grade and size requirements and which are more than "moderately skinned," as such term is defined in the U. S. Standards for Potatoes (7 CFR 51.366), which means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or feathered; no handler shall ship red skin varieties if more than 20 percent of the potatoes in any lot have more than one-half of the skin missing or feathered and no handler shall ship the White Rose variety of potatoes if more than 35 percent of the potatoes in any lot have more than one-half of the skin missing or feathered: *Provided,* That during such period not to exceed 200 hundredweight of each variety of such potatoes may be handled for any producer without regard to the aforesaid skinning requirements if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) The limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Seed, (ii) export, (iii) sale to the Federal government under programs authorized by the Secretary of Agriculture, (iv) canning, dehydration, or manufacture or conversion into starch, flour, meal, and alcohol, and (v) charity: *Provided,* That each handler making special purpose shipments pursuant hereto shall file an application with the committee to do so, shall have each of such shipments (except shipments of seed potatoes) inspected and shall pay assessments in connection therewith, and for each such shipment made pursuant to subdivisions (ii), (iv) and (v) of this subparagraph, shall furnish a copy of the bill of lading applicable thereto to the committee: *Provided further,* That each handler making shipments of potatoes pursuant to subdivision (ii) of this subparagraph shall include in his application applicable thereto, the export certificate number and shall enter such number on the Federal-State inspection certificate and bill of lading applicable to such shipment, and that each application to ship potatoes pursuant to subdivisions (iv) and (v) of this subparagraph shall be accompanied by the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purposes stated in the application.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 28th day of June 1951, to become effective July 3, 1951.

S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7713; Filed, July 3, 1951; 9:00 a. m.]

[Peach Order 1, Amdt. 2]

PART 962—FRESH PEACHES GROWN IN GEORGIA

REGULATION BY SIZE

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 15 F. R. 4105), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter set forth, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1951. Shipments of peaches, grown in the State of Georgia, are currently subject to regulation by size (Peach Order 1, as amended; 16 F. R. 5314, 5741) pursuant to the said amended marketing agreement and order; recommendation as to the need for amending such size regulation not later than July 5, 1951, in order to effectuate the declared policy of the act, was made at the meeting of the said committee on June 28, 1951, after consideration of all available information relative to the supply and demand conditions for such peaches, and such recommendation and supporting information were promptly submitted to the Department; the said meeting of the committee was held, after due notice thereof, to consider the amendment of such size regulation, and interested persons were afforded an opportunity to submit their views thereon at this meeting; the provisions of this amendment, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers and growers of such peaches; and compliance with the provisions of this amendment will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof. *It is therefore ordered,* As follows:

The provisions in subparagraphs (1) and (2) of paragraph (b) of § 962.306 (Peach Order 1, as amended; 16 F. R. 5314, 5741) are hereby amended to read as follows:

(1) Any peaches of the Brackett, Early Elberta, Elberta, Early Hale, Hale Haven, Halberta, Hardin's Pride, J. H. Hale, Krummel, Murray Hale, Rio Oso Gem, Southland, Sullivan Elberta, White Hale, or Woodland Cling varieties of a size smaller than 1⅞ inches in diameter, except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or any lot of packages may be of a size smaller than 1⅞ inches in diameter, but not more than fifteen

(15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than 1⅞ inches in diameter; or

(2) Any peaches of any variety not listed in subparagraph (1) of this paragraph of a size smaller than 1¾ inches in diameter, except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or any lot of packages may be of a size smaller than 1¾ inches in diameter, but not more than fifteen (15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than 1¾ inches in diameter.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 29th day of June 1951, to become effective at 12:01 a. m., e. s. t., July 5, 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7712; Filed, July 3, 1951; 8:59 a. m.]

[Peach Order 2, Amdt. 1]

PART 962—FRESH PEACHES GROWN IN GEORGIA

REGULATION BY GRADE

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 15 F. R. 4105), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter set forth, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1951. Shipments of peaches, grown in the State of Georgia, are currently subject to regulation by grade (Peach Order 2; 16 F. R. 5741) pursuant to the said amended marketing agreement and order; recommendation as to the need for amending such grade regulation not later than July 5, 1951, in order to effectuate the declared policy of the act, was made at the meeting of the said committee on June 28, 1951, after consideration of all available information relative to the supply and demand conditions for such peaches, and such recommendation and supporting information were promptly submitted to the Department; the said meeting of the committee was held, after due notice thereof, to consider the amendment of such grade regulation, and interested persons were afforded an opportunity to submit their views thereon at this meeting; the provisions of this amendment, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers and growers of such peaches; and compliance with the provisions of this amendment will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof. *It is therefore ordered,* As follows:

The provisions in paragraph (b) (1) of § 962.307 (Peach Order 2; 16 F. R. 5741) are hereby amended to read as follows:

(1) During the period beginning at 12:01 a. m., e. s. t., July 5, 1951, and ending at 12:01 a. m., e. s. t., September 1, 1951, no handler shall ship to destinations other than in the adjacent markets any peaches which do not meet the requirements of the U. S. No. 1 grade, except that (i) not to exceed fifteen (15) percent, by count, of the peaches contained in any bulk lot or any lot of packages may consist of peaches which do not meet the requirements of such grade, but not more than ten (10) percent, by count, of the peaches in any such lot shall consist of peaches with defects causing serious damage, and not more than one (1) percent, by count, of the peaches in any such lot shall consist of peaches which are not free from decay, and (ii) not to exceed twenty-two (22) percent, by count, of the peaches contained in any individual package in any lot may consist of peaches which do not meet the requirements of such grade, but not more than fifteen (15) percent, by count, of the peaches contained in any such individual package shall consist of peaches with defects causing serious damage and not more than two (2) percent of the peaches contained in any such individual package shall consist of peaches which are not free from decay.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 29th day of June 1951, to become effective at 12:01 a. m., e. s. t., July 5, 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7711; Filed, July 3, 1951; 8:59 a. m.]

PART 987—IRISH POTATOES GROWN IN MAINE

ORDER TERMINATING MARKETING AGREEMENT AND ORDER AND PROVIDING FOR LIQUIDATION OF ASSETS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the marketing agreement and order (7 CFR Part 987) regulating the handling of Irish potatoes grown in Maine, hereinafter referred to as the "order," it is hereby found and determined that the provisions of said order will, on and after 11:59 p. m., e. s. t., June 30, 1951, no longer tend to effectuate the declared policy of the act.

It is therefore ordered, That, subject to the terms and conditions which are set forth below, the provisions of said order be, and they are hereby, terminated effective at 11:59 p. m., e. s. t., June 30, 1951.

Under date of May 11, 1951, there was issued an order (16 F. R. 4588) directing that a referendum be conducted among producers of Irish potatoes grown in Maine for the purpose of determining whether persons who were such producers during a representative period specified by the Secretary favored the termination of the order which is being terminated by this document. The referendum conducted pursuant to the aforesaid referendum order developed that, of the producers who voted in such referendum, 72.7 percent by number favored or approved termination of said order, and that such producers who favored or approved termination of said order produced for market 71.9 percent of the production represented in the referendum.

It is hereby further ordered, That the liquidation action in this instance shall be handled by the State of Maine Potato Committee as constituted at the effective time of the termination of the said order, and in accordance with the terms and conditions which are set forth therein for application to liquidation action, said terms and conditions being set forth in § 987.10 (c) thereof. To implement such indicated terms and conditions: *It is hereby further ordered,* As follows:

(1) Said committee members, as joint trustees, shall conduct the liquidation action subject to the general supervision and control of the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C.

(2) Said trustees shall keep books, and other appropriate records of their operations, which shall reflect clearly all of their acts and transactions as trustees, which books and other records shall be subject, at any time, to examination by the Secretary or his designated representative.

(3) Any furniture, fixtures, or other personal property shall be sold by the trustees under such conditions and in such manner as may be approved in writing by the aforesaid Director of the Fruit and Vegetable Branch; and any

funds derived from such sales shall become a part of the liquid assets for distribution to handlers after all obligations have been paid.

(4) Any balance of money remaining in excess of liabilities shall be disbursed to persons who were handlers during the current fiscal year; and such disbursement shall be made to each handler in the proportion that his respective contribution to the assessment fund for that fiscal year bears to the total contributions to the assessment fund for that fiscal year by all handlers.

(5) Said trustees shall be reimbursed for expenses necessarily incurred by them in the performance of their duties hereunder, and each may receive compensation at a rate which shall not exceed $10 for each day, or portion thereof, spent by him on such work.

With respect to violations, rights accrued, or liabilities incurred under the order being terminated prior to the effective time of such termination action, all provisions of said order in effect prior to the effective time of such termination action shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, or liability.

It is hereby found and determined that it is necessary, in the public interest, to make this termination and liquidation order effective not later than 11:59 p. m., e. s. t., June 30, 1951, since the current fiscal year will expire on that date, and it is desirable, administratively, to make such action effective as of that time; and the effect of said action will not impose liabilities on persons covered thereunder, but, to the contrary, will relieve them from existing liabilities. In these circumstances, it is impracticable, unnecessary, and contrary to the public interest to follow the requirements as to notice, public procedure thereon, and the delaying of the effective date of this action for 30 days after the publication of this order in the FEDERAL REGISTER, which would otherwise be necessary to be followed under section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c; 7 CFR 987.10)

Issued at Washington, D. C., this 29th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7715; Filed, July 3, 1951; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Regs. Serial No. ER-164]

PART 291—CLASSIFICATION AND EXEMPTION OF IRREGULAR AIR CARRIERS

OPERATIONAL LIMITATIONS ON EXERCISE OF TEMPORARY EXEMPTION BY LARGE IRREGULAR CARRIERS; EXTENSION OF EFFECTIVE DATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of June 1951.

By Amendment No. 1 to Part 291, adopted March 2, 1951, with an original effective date of April 6, 1951, the Board modified the operational limitations on the exercise of the temporary exemption to engage in air transportation granted to the Large Irregular Carriers pursuant to Part 291 and section 416 (b) of the Civil Aeronautics Act. These operational limitations relate to the number, frequency and regularity of flights conducted by such Large Irregular Carriers.

Since the adoption of Amendment No. 1 to Part 291 on March 2, 1951, the Board has by successive actions postponed the effective date of Amendment No. 1 to July 5, 1951, pending the result of the study of Amendment No. 1 by the Senate Select Committee on Small Business. On June 27, 1951, in an action brought in the United States District Court for the District of Columbia by two of the Large Irregular Carriers operating pursuant to Part 291, the Court entered a judgment granting to the plaintiffs a permanent injunction restraining the Board from enforcing Amendment No. 1. The Board has instructed its General Counsel to request the Solicitor General for permission to note an appeal to the Circuit Court of Appeals from this judgment.

In view of the ruling of the District Court and in order to clarify the status of Amendment No. 1 with respect to all Large Irregular Carriers to which it would by its terms be applicable, the Board has decided to postpone further the effective date of Amendment No. 1 until a reasonable time following the completion of the appeal proceedings referred to above.

For the reasons stated above notice and public procedures hereon are impracticable. Since no additional burden is imposed on any person, the postponement may be made effective without prior notice.

The Civil Aeronautics Board hereby postpones the effective date of Amendment No. 1 to Part 291 to such date as may later be fixed by the Board following the completion of any appeal by the Board to the Court of Appeals from the judgment in American Air Transport et al. v. Civil Aeronautics Board, Civil Action No. 1295-51, U. S. D. C. D. C.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-7670; Filed, July 3, 1951; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 2—RULES OF PRACTICE

COMPLAINTS, DEFAULTS, CONSENT SETTLEMENTS

The Commission on June 26, 1951, amended § 2.5 of its rules of practice (§§ 2.1 to 2.31) so as to make said section read as follows, effective thirty days from date of publication in the FEDERAL REGISTER:

NOTE: In said section, the number to the right of the decimal point corresponds with the Roman number in the Commission's rules of practice, as included in its publication, Rules, Policy, Organization, and Acts.

§ 2.5 *Complaints, defaults, consent settlements.* (a) Complaints: Whenever the Commission shall have reason to believe that there is a violation of law over which the Commission has jurisdiction, and in case of violation of the Federal Trade Commission Act, if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public, the Commission shall issue and serve upon the proper parties a complaint stating its charges and containing a notice of a hearing upon a day and at the place therein fixed, at least thirty (30) days after the service of said complaint.

(b) Defaults: In the "Notice" portion of the complaint there may be set forth a provisional order to cease and desist which the Commission shall have reason to believe should issue if the facts in the record shall be found to be as alleged in the complaint. If the complaint contains such order, it shall also state that such order shall issue, unless the respondent shall file an answer within the time designated in the complaint; shall appear at the time and place so fixed; and shall show cause why the said order to cease and desist should be not be entered by the Commission, in which event such provisional order to cease and desist shall be without effect.

(c) Consent settlements: At any time after the issuance of complaint and prior to the commencement of the taking of evidence, all respondents in any case may jointly move the trial examiner to suspend proceedings before him for a reasonable time to permit negotiations by counsel upon a consent settlement dispositive of the proceeding.[1] Such suspension, and the time thereof, will be in the discretion of the trial examiner, after considering representations of counsel for both sides and the reasonable probability of an agreement being reached that would result in a substantial saving in time and expense.

(d) In the event a consent settlement is agreed upon by counsel, it shall be submitted to the Commission through the trial examiner, who shall transmit with such proposal any comment thereon he may deem appropriate and the record in the proceeding in which the settlement is tendered. In the event the proposal is rejected by the Commission, the case will be returned to the trial examiner to proceed in regular course and the proposal will not become a part of the record. In the event a consent settlement is accepted, the case will be concluded by the entry therein by the Commission of the order and other matters included in such settlement in accordance with its terms.

(e) Every consent settlement shall dispose of the entire proceeding as to all parties and shall include, in addition to

[1] In the case of proceedings already instituted, such motion may be made within thirty (30) days from the effective date of this rule, if the taking of evidence has not been completed and if a substantial saving in time and expense will result.

the order to cease and desist, admission of jurisdictional facts and also a statement of the acts and practices which the Commission had reason to believe were unlawful; but a respondent need not admit, though he may not deny, any of the matters contained in such statement. A consent settlement will not be accepted unless each respondent consents to the entry of the admitted jurisdictional facts and the said statement of acts and practices as the findings as to the facts of the Commission, and to the entry of the order to cease and desist.

(f) Pursuant to a change of law or facts, or when the public interest so requires, a consent settlement may be altered, modified, or set aside in whole or in part upon consent of all parties. All consent settlements shall contain an agreement that if consent to a change desired is not obtained, the Commission or any respondent may file a motion in the case to set aside such consent settlement in whole or in part on the grounds of change of law or fact or that the public interest so requires; and after opportunity for hearing upon the issues formed, the Commission may, if it finds that a change of law or fact, or the public interest so requires, set aside the consent settlement or any part thereof which is separable from the remaining provisions without changing their effect. Thereafter, the Commission may, by adversary proceedings pursuant to the original complaint, or a new or amended and supplemental complaint, undertake corrective action as to any acts or practices not prohibited by any remaining provisions of the consent settlement.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46)

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of June 26, 1951, effective 30 days from date of publication in the FEDERAL REGISTER.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-7688; Filed, July 3, 1951; 8:55 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

DAY OF REGISTRATION

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U. S. C. 362), § 325.12 (c) (4) of the regulations of the Railroad Retirement Board under such act (9 F. R. 3192) is amended by Board Order 51-180, dated June 14, 1951, to read as follows:

§ 325.12 *Registration.* * * *

(c) *Day of registration.* * * *

(4) If an employee does not register with respect to any day within the time hereinabove specified, because, after making reasonable efforts, he was unable to find an unemployment claims agent to take his registration, or because an unemployment claims agent at an employment office where such employee would otherwise have registered was not ready and willing to take his registration, or because such employee was given misinformation by an unemployment claims agent, a countersigning agent, the supervisor of such claims agent or countersigning agent, a railway labor organization official, or an employee of the Board, such employee may register with respect to such day at any time within one year of such day, and shall submit to an unemployment claims agent, to a duly authorized field representative of the Board, or to an office of the Board, a written statement explaining why he did not register with respect to such day within the time specified.

(Sec. 12, 52 Stat. 1094, 1107; 45 U. S. C. 362)

Dated: June 27, 1951.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 51-7632; Filed, July 3, 1951; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

REQUIRED SUPERVISION OF PRIVATE MORTGAGORS

Section 232.19 (c) (7) is hereby amended to read as follows:

(7) (i) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.1 to 5.12 (16 F. R. 4430).

(ii) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(iii) No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on the ineligible list established by the Comptroller General, pursuant to the provisions of regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(iv) No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(v) Compliance with the provisions of this subparagraph shall be evidenced at such time and in such manner as the Commissioner may prescribe.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 48 Stat. 1252, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., June 29, 1951, effective as to all mortgages with respect to which a commitment to insure shall be issued on or after July 1, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-7680; Filed, July 3, 1951; 8:54 a. m.]

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

REQUIRED SUPERVISION OF CERTAIN MORTGAGORS

Section 241.18 (c) (7) is hereby amended to read as follows:

(7) (i) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.1 to 5.12 (16 F. R. 4430).

(ii) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership, or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(iii) No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on the ineligible list established by the Comptroller General,

pursuant to regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(iv) No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(v) Compliance with the provisions of this subparagraph shall be evidenced at such time and in such manner as the Commissioner may prescribe.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., June 29, 1951, effective as to all mortgages with respect to which a commitment to insure shall be issued on or after July 1, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-7681; Filed, July 3, 1951; 8:54 a. m.]

Subchapter I—War Rental Housing Insurance

PART 280—MULTIFAMILY WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY RENTAL HOUSING

PREVAILING WAGE AND LABOR STANDARDS REQUIREMENTS

Section 280.39 is hereby amended to read as follows:

§ 280.39 *Prevailing wage and labor standards requirements.* (a) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.1 to 5.12 (16 F. R. 4430).

(b) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subconstractors established and maintained by the Comptroller General, pursuant to regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(c) No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on the ineligible list established by the Comptroller General, pursuant to the provisions of regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(d) No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(e) Compliance with the provisions of this section shall be evidenced at such time and in such maner as the Commissioner may prescribe.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742. Interprets or applies sec. 608, as added by sec. 11, 56 Stat. 303, as amended; 12 U. S. C. and Sup., 1743)

Issued at Washington, D. C., June 29, 1951, effective as to all mortgages with respect to which a commitment to insure shall be issued on or after July 1, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-7679; Filed, July 3, 1951; 8:53 a. m.]

Subchapter L—Yield Insurance

PART 290—ELIGIBILITY REQUIREMENTS FOR YIELD INSURANCE

PROJECT ELIGIBILITY REQUIREMENTS

Section 290.8 is hereby amended by adding at the end thereof the following new paragraph (h):

(h) (1) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.1 to 5.12 (16 F. R. 4430).

(2) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(3) No project shall be eligible for insurance unless subsequent to completion of construction there is filed a certificate, executed by the general contractor, in the form required by the Commissioner, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(Sec. 712, as added by sec. 401, Pub. Law 901, 80th Cong.)

Issued at Washington, D. C., June 29, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-7683; Filed, July 3, 1951; 8:55 a. m.]

Subchapter M—Military Housing Insurance

PART 292—ELIGIBILITY REQUIREMENTS FOR MILITARY HOUSING INSURANCE

PREVAILING WAGE AND LABOR STANDARDS REQUIREMENTS

Section 292.41 is hereby amended to read as follows:

§ 292.41 *Prevailing wage and labor standards requirements.* (a) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.1 to 5.12 (16 F. R. 4430).

(b) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(c) No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on the ineligible list established by the Comptroller General, pursuant to regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(d) No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(e) Compliance with the provisions of this section shall be evidenced at such

time and in such manner as the Commissioner may prescribe.

(Sec. 808, Pub. Law 211, 81st Cong.)

Issued at Washington, D. C., June 29, 1951, effective as to all mortgages with respect to which a commitment to insure shall be issued on or after July 1, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-7682; Filed, July 3, 1951; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

PERSONS ELIGIBLE TO RECEIVE MEDICAL CARE

Section 577.15 is hereby amended by adding a new paragraph (b) (3), and changing paragraphs (k) and (y), to read as follows:

§ 577.15 *Persons eligible to receive medical care at Army medical treatment facilities.* * * *

(b) Dependents of personnel of the Armed Forces, including the following:

* * * * *

(3) Unremarried widows of deceased Armed Forces personnel whose death occurred while on extended active duty or while in a retired status.

* * * * *

(k) American seamen in continental United States, its Territories, and possessions. This category includes seamen aboard ships of United States registry such as those aboard Department of Defense time-chartered vessels of commercial operators; in emergency, those aboard time-chartered vessels other than those referred to above; those on privately owned and operated vessels; and active enrollees in United States Maritime Service and members of Merchant Marine Cadet Corps.

* * * * *

(y) American seamen outside continental United States, its Territories, and possessions. This category includes seamen aboard ships of United States registry such as those aboard Department of Defense time-chartered vessels of commercial operators; in emergency, those aboard time-chartered vessels other than those referred to above; and those on privately owned and operated vessels.

[C3, AR 40-506, June 14, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting Adjutant General.

[F. R. Doc. 51-7638; Filed, July 3, 1951; 8:47 a. m.]

Subchapter G—Procurement

ARMY PROCUREMENT PROCEDURE

MISCELLANEOUS AMENDMENTS

The following amendments to Subchapter G are issued.

PART 590—GENERAL PROVISIONS

Part 590 is amended as indicated below:

1. Sections 590.253 through 590.253–2 are added as follows:

§ 590.253 *Purchasing offices.*

§ 590.253–1 *Purchasing office.* A purchasing office is any Class II installation or activity, or a division, office, branch, section or unit of a Class I or Class II installation or activity, charged with a purchasing or procurement function, including post, camp and station purchasing and contracting offices (sections, etc.).

§ 590.253–2 *Principal purchasing offices.* The following are designated as the principal purchasing offices of the Army Establishment:

CHEMICAL CORPS

Atlanta Chemical Procurement District, 114 Marietta Street, NW., Atlanta 3, Ga.
Boston Chemical Procurement District, Boston Army Base, Boston 10, Mass.
Chicago Chemical Procurement District, 226 West Jackson Boulevard, Chicago 6, Ill.
Dallas Chemical Procurement District, 1114 Commerce Street, Dallas 2, Tex.
New York Chemical Procurement District, 111 East Sixteenth Street, New York 3, N. Y.
San Francisco Chemical Procurement District, Building 1, Wing 3, Oakland Army Base, Oakland 14, Calif.
Chemical Corps Procurement Agency, Army Chemical Center, Md.

CORPS OF ENGINEERS

Chicago Procurement Office, Corps of Engineers, 226 West Jackson Boulevard, Chicago 6, Ill.
District Engineer Office, New York District, Corps of Engineers, 80 Lafayette Street, New York 13, N. Y.
District Engineer Office, Philadelphia District, Corps of Engineers, City Centre Building, Philadelphia 1, Pa.
District Engineer Office, Pittsburgh District, Corps of Engineers, 925 New Federal Building, Pittsburgh 19, Pa.
District Engineer Office, St. Louis District, Corps of Engineers, Room 834, U. S. Court house and Customhouse, St. Louis 1, Mo.
Division Engineer Office, South Atlantic Division, Lumber Branch, Corps of Engineers, P. O. Box 1889, 536 Old Post Office Building, Atlanta 1, Ga.
District Engineer Office, Portland District, Lumber Branch, Corps of Engineers, 500 Pittock Block SW., Tenth and Washington Street, Portland 5, Oreg.

ARMY MEDICAL SERVICE

Armed Services Medical Procurement Agency, 84 Sands Street, Brooklyn 1, N. Y.

ORDNANCE CORPS

Aberdeen Proving Ground, Aberdeen Proving Ground, Md.
Ordnance Tank-Automotive Center, 1501 Beard Street, Detroit 9, Mich.
Ordnance Ammunition Center, Joliet, Ill.
Ordnance Small Arms Ammunition Center, 4800 Goodfellow Boulevard, St. Louis 20, Mo.
Detroit Arsenal, Center Line, Mich.
Frankford Arsenal, Bridesburg Station, Philadelphia 37, Pa.
Picatinny Arsenal, Dover, N. J.
Raritan Arsenal, Metuchen, N. J.
Rock Island Arsenal, Rock Island, Ill.
Springfield Armory, Springfield 1, Mass.
Watertown Arsenal, Watertown, Mass.
Watervliet Arsenal, Watervliet, N. Y.
Rossford Ordnance Depot, Toledo 1, Ohio.
Birmingham Ordnance District, 1706 Second Avenue, Birmingham, Ala.
Boston Ordnance District, Boston Army Supply Base, Boston 10, Mass.
Chicago Ordnance District, 209 W. Jackson Boulevard, Chicago 6, Ill.
Cincinnati Ordnance District, Big Four Building, Cincinnati 2, Ohio.
Cleveland Ordnance District, 1367 East Sixth Street, Cleveland 14, Ohio.
Detroit Ordnance District, 574 East Woodbridge Street, Detroit 31, Mich.
Los Angeles Ordnance District, 35 North Raymond Avenue, Pasadena 1, Calif.
New York Ordnance District, 180 Varick Street, New York 14, N. Y.
Philadelphia Ordnance District, 1500 Chestnut Street, Philadelphia 21, Pa.
Pittsburgh Ordnance District, 311 Old Post Office Building, Fourth Avenue and Smithfield Street, Pittsburgh 19, Pa.
Rochester, Ordnance District, Sibley Tower Building, Rochester 4, N. Y.
St. Louis Ordnance District, 4800 Goodfellow Boulevard, St. Louis 20, Mo.
San Francisco Ordnance District, Oakland Army Base, Oakland 14, Calif.
Springfield Ordnance District, Springfield Armory, Springfield 1, Mass.

QUARTERMASTER CORPS

Oakland Quartermaster Procurement Agency, 124 Grand Avenue, Oakland 12, Calif.
New York Quartermaster Procurement Agency, 111 East Sixteenth Street, New York 3, N. Y.
Quartermaster Supply Section, Columbus General Depot, U. S. Army, Columbus 15, Ohio.
Chicago Quartermaster Depot, 1819 West Pershing Road, Chicago 9, Ill.
Philadelphia Quartermaster Depot, 2800 South Twentieth Street, Philadelphia 45, Pa.
Jeffersonville Quartermaster Depot, Tenth and Morningside Streets, Jeffersonville, Ind.

SIGNAL CORPS

Signal Corps Procurement Agency, 2800 South Twentieth Street, Philadelphia 45, Pa.

TRANSPORTATION CORPS

Transportation Corps Central Procurement Agency, Marietta TC Depot, Marietta, Pa.

2. Paragraphs (b) and (d) of § 590.354–2 are rescinded and the following substituted therefor:

§ 590.354–2 *Applicability.* * * *

(b) Policies with respect to dissemination of information to unsuccessful bidders and offerors concerning awards are set forth in §§ 401.407, 591.407 and 592.150 of this title. Instructions pertaining to synopses of awards are set forth in §§ 590.355 to 590.355–4.

* * * * *

(d) The procurement is effected by any purchasing office in the continental United States, including (1) principal purchasing offices listed in § 590.253–2 of this part and (2) all other field purchasing offices and activities located in the continental United States.

3. Sections 590.355 through 590.355–4 are added as follows:

§ 590.355 *Synopses of contract awards.*

§ 590.355–1 *Statement of policy.* It is the policy of the Army, consistent with security requirements, that information be disseminated as widely as possible, each week, with respect to awards of unclassified contracts, exceeding $25,000 in amount, whether entered into after formal advertising or negotiation. One objective of this policy is to provide opportunities for small business concerns to learn of and solicit subcontracting work.

§ 590.355–2 *Applicability.* In accordance with the policy stated in § 590.355–1, instructions in § 590.335 to 590.355–4 shall apply to all contracts (including contracts for the construction, alteration or repair of buildings, bridges, roads, or other kinds of real property, whether entered into after formal advertising or negotiation, When:

(a) The contract amount exceeds $25,000.

(b) The contract is unclassified and dissemination of information with respect thereto does not constitute a security risk.

(c) The contract is entered into by any purchasing office in the continental United States, including (1) principal purchasing offices listed in § 590.253–2 and (2) all other field purchasing offices and activities located in the continental United States.

§ 590.355–3 *Action by purchasing offices.* (a) Purchasing offices will obtain all necessary information for inclusion in synopses of contract awards from contract files and, when necessary, directly from contractors.

(b) Purchasing offices will obtain information, at the earliest possible time, as to whether suppliers are in need of assistance to locate and contact subcontractors. If such assistance is desired, the supplier will be requested to indicate (1) the industry, craft, process or component item in or for which he desires subcontractors in connection with the contract awarded or to be awarded, (2) any restrictions as to general area in which subcontractors should be located.

(c) Purchasing offices will prepare and forward single copies of synopses of contract awards to each of the addressees listed below, by air mail, before the close of business at the end of each week. If past experience indicates that ordinary mail will insure Monday delivery to any addressee, ordinary mail will be used.

(d) Addressees to be furnished with synopses of contract awards are:

(1) Procurement Information Center, Office of the Under Secretary of the Army, Old Post Office Building, Twelfth and Pennsylvania Avenue NW., Washington 25, D. C.

(2) Small Business Division, U. S. Department of Commerce, Room 6427, Commerce Building, Washington 25, D. C.

(3) Administrative Office, U. S. Department of Commerce, Room 1014, 610 South Canal Street, Chicago 7, Illinois.

(e) A copy of each synopsis of contract awards shall be made available for examination by interested persons at each purchasing office.

(f) Where a contractor indicates need for assistance in letting subcontracts, a synopsis of award of the prime contract will be repeated and forwarded to the addressees listed above each week, as long as the need continues for such assistance. The purchasing office will aggressively encourage the contractor to employ this medium of publicizing his subcontracting requirements.

§ 590.355–4 *Contents of synopsis of contract awards.* Synopses of contract awards will contain the following information: (a) Name of purchasing office (b) name and address of the contractor (c) brief description of the commodity or service being procured; description will be clear, concise and abbreviated wherever possible, with a minimum number of words for description but sufficient for understanding by interested persons; it will consist of a minimum general description of the item or service procured and will include, when appropriate, commonly used names of supply items, basic materials from which fabricated, general size or dimensions, etc., but will not include information which, in the opinion of the purchasing office may constitute a security risk (d) statement of industries, crafts, processes or component items in or for which subcontracts are available and subcontractors are desired by prime contractors, in substantially the following form: "Prime contractor has subcontracts open for the following: (Insert here industries, crafts, processes or component item applicable)", (insert following clause where applicable) and desires that subcontractors be located in (insert here general area indicated by prime contractor, if any, such as: Southeast states, New England, West Coast, etc.).

4. Section 590.810 is added as follows:

§ 590.810 *Retention of Procurement Action Reports.* Individual Procurement Action Report (DD Form 350) and Procurement Action Report—Monthly Summary (DA AGO Form 377) or comparable forms submitted by contracting officers to higher headquarters indicating the status of Procurement Actions may be destroyed after six (6) months. Such material is considered nonrecord material under the provisions of paragraph 93, SR 345–920–1 (Special regulation pertaining to disposition of records).

PART 591—PROCUREMENT BY FORMAL ADVERTISING

Part 591 is amended by rescinding §§ 591.451 through 591.451–3 and substituting the following § 591.451 in lieu thereof:

§ 591.451 *Synopses of awards.* Synopses of awards of formally advertised contracts will be prepared and distributed as required by §§ 590.355 to 590.355–4 of this subchapter.

PART 592—PROCUREMENT BY NEGOTIATION

Part 592 is amended as indicated below:

1. Rescind § 592.151–2 and substitute the following in lieu thereof:

§ 592.151–2 *Synopses of awards.* Synopses of contract awards of negotiated contracts will be prepared and distributed as required by §§ 590.355 to 590.355–4 of this subchapter.

2. Rescind § 592.408 and substitute the following in lieu thereof:

§ 592.408 *Letter contract.* The primary purpose of authorizing the use of letter contracts preliminary to definitive contracts is to expedite the beginning of production so that deliveries will be obtained in time to meet phased requirements, particularly in support of troops in combat and the expansion of the Armed Forces. It is essential, however, that letter contracts be converted to definitive contracts at the earliest practicable date.

3. Rescind § 592.408–3 and substitute the following in lieu thereof:

§ 592.408–3 *Supersedure by definitive contract.* (a) Letter contracts will be superseded by definitive contracts at the earliest practicable date. Consequently, definitive contracts will be executed promptly after proper consideration has been given, when possible, to such factors as:

(1) Reasonable assurance that the terms reached are the minimum acceptable to the contractor and are fair both to the Government and the contractor;

(2) Relationship to precedents as to price redetermination and profit established by similar contracts with Army, Navy, Air Force, or other Government agencies;

(3) The effect on future contract negotiation with the contractor; and

(4)) The primary importance of meeting phased delivery requirements.

(b) In converting letter contracts to definitive contracts, the pricing elements involved in profit rates will be carefully evaluated; profit rates of 8 percent (of cost) or higher will be reviewed with particular care, and all definitive contracts containing a profit rate of 10 percent or higher will be submitted to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch) for review and referral to the Under Secretary of the Army for approval, regardless of the contract amount involved.

PART 596—CONTRACT CLAUSES AND FORMS

Part 596 is amended by rescinding § 596.103–11 and substituting the following in lieu thereof:

§ 596.103–11 *Default*—(a) *Application.* (1) If the contractor (i) fails to make delivery of the supplies or to perform the services within the time specified in the contract, or (ii) fails to perform any provision of the contract other than the delivery schedules, or (iii) so fails to make progress as to endanger performance of his contract in accordance with the terms thereof, the contractor may be said to be in default.

(2) Defaults may be excusable or nonexcusable. Defaults are excusable when they arise out of the causes set forth in clause (b) of the Default article (see § 406.103–11) of this title).

(3) Paragraphs (b) through (i) of this section apply to contracts other than those under the Federal Supply Schedule. Paragraph (j) of this section applies to contracts under the Federal Supply Schedule.

(b) *Termination of contracts by agreement.* (1) When default occurs in the performance of a contract, the contract may be terminated by supplemental agreement with the contractor: *Provided:*

(i) If the default is not excusable, that the contractor agrees to pay excess costs

incurred in repurchase and damages resulting from delay.

(ii) If the default is excusable, that the Contracting Officer makes findings of fact to that effect and the contractor agrees to termination without cost to the Government.

(iii) If a performance bond has been filed, that the surety thereon is a party to the supplemental agreement.

(c) *Completion of contract after default.* (1) In the event that default has occurred in a contract by reason of nonexcusable delay, which results in actual damage to the Government, and the Contracting Officer deems it to be in the best interests of the Government to permit the contractor to complete performance of the contract, a supplemental agreement may be entered into providing for completion of performance notwithstanding such default, if the contractor assumes liability for the actual damages. The surety, if any, should either be a party to the supplemental agreement or should execute and deliver to the Contracting Officer, simultaneously with the execution of a supplemental agreement with the contractor, a written consent extending the terms of any performance bond to cover such supplemental agreement. The agreement should distinctly state that the Government's rights to accrued damages are not thereby waived.

(2) If a performance bond has been filed in connection with the contract, or otherwise, and action outlined in subparagraph (1) of this paragraph is not deemed to be in the best interests of the Government, an agreement may be entered into with the surety, providing for completion of performance of the contract upon the same terms and conditions as the original contract, less actual damages resulting from delay, and further providing for payment directly to the surety. Such agreement should clearly state that all rights against the contractor and the surety are reserved so far as the surety does not cure defaults of the contractor. The contractor will be furnished promptly with a findings of fact as indicated in paragraph (d) (2) of this section, adapting subdivision (iv) of that paragraph to the action taken.

(d) *Termination pursuant to Default Article.* (1) (i) Where the contractor and/or his surety elect not to complete performance of the contract after being afforded an opportunity to do so (see paragraph (c) of this section) or (ii) when the contracting officer deems it to be in the best interests of the Government to terminate the contract following default thereof, and the default consists of the failure on the part of the contractor to make delivery of the supplies or to perform the services within the time specified in the contract or any extension thereof, the procedure set forth in subparagraphs (2) to (4) of this paragraph will be followed.

(2) The contractor will be given notice in writing which will include the following:

(i) Reference to contract number, date, and portion of contract as to which his right to proceed is terminated.

(ii) That his right to proceed further with performance under the contract is thereby terminated.

(iii) A specific description of the acts or omissions constituting the default.

(iv) That the supplies, services or construction required by the contract will be procured in the open market against his account, and that he will be held liable for any excess costs.

(v) That the Government reserves all rights and remedies provided by law or under the contract, in addition to charging excess costs. (Where liquidated damages are provided for, substitute a reference thereto.)

(vi) That the notice constitutes a findings of fact pursuant to the Disputes article from which he has the right of appeal as specified therein.

(3) The same distribution will be made of the termination notice as was made of the contractual documents. In addition thereto, a copy will be furnished to the Disbursing Officer who will be advised to withhold further payments to the contractor pending additional instructions.

(4) Notice of termination of a contract will be furnished to the contractor within a reasonable time after the default occurs, or after efforts to arrange for compliance with the terms of the contract have resulted in failure. This requirement must be complied with in order to fulfill the Government's obligation to mitigate damages.

(5) If the default consists of the failure to perform any provision of the contract other than as specified in subparagraph (1) of this paragraph, or if the contractor so fails to make progress as to endanger performance of the contract, a notice of termination will not be issued unless the Contracting Officer has previously notified the contractor in writing of the specific default or failure, and has by the terms of such notice afforded the contractor an opportunity to cure such default or failure within a period of time which shall be not less than 10 days from the date of receipt of such notice. The notice of termination in such cases will refer to the notice of default.

(e) *Repurchase against contractor's account.* (1) In the event of termination of a contract for default, the Government is under a duty to mitigate damages.

(2) Accordingly, where the supplies or services are still required after termination, repurchase will be made against the contractor's account either from other contractors or Government facilities (i) as soon as possible after termination, (ii) of supplies or services similar to those called for in the contract, (iii) at as reasonable a price as practicable considering the quantity and quality required by the Government and the time within which the supplies or services are required; (iv) in construction contracts, the work will be let according to the same plans and specifications to such other responsible contractor who offers the lowest price or it will be completed by Government plant and hired labor.

(f) *Action by Contracting Officer.* (1) If repurchase will not be effected, compute actual or liquidated damages (when clause contained in § 406.105–5 of this title is used), and make written demand upon contractor for the amount thereof.

(2) If repurchase is effected, compute excess costs and actual (or liquidated damages, when clause contained in § 406.105–5 of this title is used), and make written demand upon the contractor for the total amount.

(3) Forward the report required by paragraph (g) of this section, together with any checks, money orders, or funds in any form received from the contractor. No report is required where the contract is unnumbered and no repurchase, or actual or liquidated damages are involved.

(g) *Report of Termination of Contract.* A Report of Termination of Contract will be furnished to the Disbursing Office, in quadruplicate, within thirty (30) days after such termination, setting forth the following information:

(1) Procuring activity involved.

(2) Fiscal year of procurement involved.

(3) Original appropriation involved.

(4) With respect to terminated contract:

(i) Name and address of contractor.

(ii) Contract or P. O. number.

(iii) Date of award or execution.

(iv) Contract item and specification.

(v) Contract quantity.

(vi) Unit price.

(vii) Quantity and/or time payment discount.

(viii) Total contract cost.

(ix) Status of payments and deliveries under contract, including voucher citations.

(x) Statement of amount withheld, if any.

(xi) Statement of actual or liquidated damages accrued, if any (other than excess costs on repurchase).

(xii) Description of default resulting in termination.

(5) Statement as to whether repurchase has been or will be effected. If applicable, a negative reply is desired, together with statement of reasons why repurchase has not been or will not be effected. If repurchase is effected subsequent to date of report, a follow-up report will be forwarded.

(6) If repurchase is effected, set forth information with respect to repurchase contract, adapting subparagraphs (4) (i) to (ix) of this paragraph to such repurchase contract.

(7) State amount of excess cost (subparagraph (6) (viii) of this paragraph minus subparagraph (4) (viii) of this paragraph).

(8) State total amount of excess cost and actual or liquidated damages.

(9) Whether efforts have been made to collect the amount set forth in subparagraph (8) of this paragraph. If collected, forward the check, money order or funds to Disbursing Officer with report. If uncollectible, a statement to that effect.

(10) Attach 4 copies of the following:

(i) Terminated contract.

(ii) Repurchase contract, if any.

(iii) Notice of termination.

(iv) Notice to cure default, if any (see paragraph (d) (5) of this section).

(v) Computation of liquidated or actual damages.

(vi) Correspondence from contracting officer to delinquent contractor relative to the indebtedness.

(11) Attach original and 3 copies of correspondence from delinquent contractor to contracting officer relative to indebtedness.

(12) Attach 4 copies of any other papers or documents deemed to be required as evidence for prosecution of claim or litigation against defaulting contractor.

(h) *Amount chargeable against defaulting contractor.* A purchase or purchases against the account of a defaulting contractor must not exceed the quantity originally ordered with consideration given, of course, to the variation clause, if any, in the contract, and must be secured if practicable on the same unit basis, such as each, dozen, pound. However, this does not preclude the Government from entering into one contract with the completing contractor which includes additional needed supplies provided that the excess costs to be charged against the account of the defaulting contractor are determined as provided in the preceding sentence of this paragraph. In any event, actual damages (or liquidated damages, if clause contained in § 406.105–5 of this title is used) resulting from delay, may be assessed in addition to excess costs.

(i) *Action by Disbursing Officer.* (1) Upon receipt of the Report of Termination of Contract, the Disbursing Officer will proceed, when necessary, to effect collection of excess costs and actual or liquidated damages by deduction of the amount thereof from any funds payable to the defaulting contractor.

(2) If the entire amount is collected by set-off, such action will be indicated by indorsement to the Report of Terminated Contract, together with applicable voucher citations, and a statement of the name of the Disbursing Officer and D. O. Symbol No. The Report and indorsement will be disposed of as follows:

(i) The original and quadruplicate copy will be transmitted to the Chief of Finance, for forwarding of the original to the General Accounting Office.

(ii) The duplicate copy will be filed in the Office of the Disbursing Officer.

(iii) The triplicate copy will be sent to the Contracting Officer marked for information only.

(3) In the event that collection of excess cost and/or damages is effected by means of contractor's check, money order, cash, or any means other than set-off against another account due to the contractor, the Disbursing Officer will in addition to taking action required by subparagraph (2) of this paragraph, submit together with the Report, the required number of copies of Standard Form No. 1044 (Schedule of Collections), properly completed in accordance with AR 35–3510, dated May 2, 1951.

(4) If the Disbursing Officer finds it impracticable to collect the entire amount due, or if no repurchase, excess costs or damages are involved, he will indicate his action and recommendation by indorsement to the Report of Termination of Contract, and distribute the report and indorsement as follows:

(i) The original and quadruplicate copy to the Chief of Finance, for forwarding of the original to the General Accounting Office.

(ii) The duplicate copy will be filed in the office of the Disbursing Officer.

(iii) The triplicate copy will be transmitted to the Contracting Officer and, where applicable, with a notation to the effect that the excess costs and/or damages could not be collected and that the matter has been reported to the Chief of Finance, for reference to the General Accounting Office.

(j) *Action in connection with Federal Supply Schedule Contracts*—(1) *Action by Contracting Officer*—(i) *Ordering office.* Before declaring a contractor in default, it is suggested that ordinarily ordering offices should notify the contractor in writing that unless satisfactory performance occurs by a specified date, which should allow a reasonable time for performance, his right to proceed further under the purchase order will be considered terminated and he will be held liable for any excess costs resulting from purchasing the supplies or services elsewhere. This step would not be taken ordinarily when the default involves an attempted fraud on the United States, or when it obviously would be futile, as for example, when the contractor has already declined to perform. Where excess costs are anticipated, the ordering office may likewise decide to withhold sufficient funds due the contractor as offset security. Ordering offices will endeavor to minimize excess costs to be charged against the contractor and to collect, by check or set-off, excess costs owed. Such collected funds are usually for deposit into the Treasury as miscellaneous receipts.

(ii) *Federal Supply Service.* Where ordering offices are notified by the Federal Supply Service that it has declared the contractor in default, ordering offices will thereafter refuse to accept further performance by the contractor or place further purchase orders with him. Ordering offices will thereafter purchase against the account of the contractor from replacing contractors designated by the Federal Supply Service or in such other manner as directed by the Federal Supply Service.

(2) *Reports.* Ordering offices will report to the Purchase Branch, Federal Supply Service, Washington 25, D. C., the details concerning all material instances of unsatisfactory performance by the contractor, whether or not properly adjusted and settled. Ordering offices will also report, as may be directed by the Federal Supply Service, all purchases made against the account of a contractor placed in default by the Federal Supply Service.

(k) *Excusable delay.* Where, following termination for default, it is subsequently determined that the contractor's delay was excusable, the procedure outlined in clause (e) of the Default article (see § 406.103–11 of this title) will be followed.

(l) *Applicability to oversea commands.* This section is applicable to oversea commands (so far as it is not in conflict with local law applicable to the contract), except that reports required by paragraphs (f) and (g) of this section will be furnished in quintuplicate and will be forwarded to the Officer of the oversea command, who will thereafter forward the original and one copy to the Chief of Finance, Department of the Army.

[Proc. Cir. 7, June 4, 1951, and Proc. Cir. 8, June 12, 1951] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting Adjutant General.

[F. R. Doc. 51–7639; Filed, July 3, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amendment 15]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

EXPANSION OF EXEMPTION OF SOFT SURFACE FLOOR COVERINGS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 15 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Because of the spiralling cost of imported wool, manufacturers who normally make carpets exclusively of wool or synthetic fibers are being forced to turn to substitute materials. Accordingly, Supplementary Regulation 11 to the General Ceiling Price Regulation is being broadened simultaneously with the issuance of this amendment to cover these substitute materials. Supplementary Regulation 11 to the General Ceiling Price Regulation as revised will embrace all floor coverings manufactured in the weaves, or by the manufacturing processes, customarily employed for carpets made of wool, regardless of the nature of the material actually used. This requires a corresponding change in Ceiling Price Regulation 22 so as to exclude from it, not only floor coverings made of wool and synthetic yarn, as it does at present, but also the floor coverings brought within Supplementary Regulation 11 by the new revision.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is amended by changing subparagraph (3) of paragraph (e) of Appendix A to read as follows:

(3) Soft surface floor coverings which are either entirely made of wool or which, regardless of what material is employed, are woven on a chenille, wilton, velvet or axminster loom or are produced by the manufacturing process that produces punched felt. Ceiling prices for these floor coverings are established by Supplementary Regulation

11, Revision 2, to the General Ceiling Price Regulation.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective July 2, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 2, 1951.

[F. R. Doc. 51-7832; Filed, July 3, 1951; 11:14 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 11, Revision 2]

GCPR, SR 11, REV. 2—SOFT SURFACE FLOOR COVERINGS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this revision of Supplementary Regulation No. 11 (16 F. R. 3830) to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

The wool carpeting manufactured in this country is made from wool imported from abroad. This imported wool is not subject to price control and has doubled in price since November, 1950. Since wool constitutes half the cost of the finished carpet, recognition has necessarily had to be given to its spiralling cost in fixing ceiling prices for carpet manufacturers. Less than two months after the issuance of the General Ceiling Price Regulation, this Office found it necessary because of the continued mounting cost of imported wool to permit manufacturers of carpeting to adjust upward the prices they had in effect during December, 1950, and January, 1951. This adjustment was designed to compensate for the increases in cost of raw wool and direct labor to that date and for the increases in cost up to December 31, 1950, of the other raw materials, such as cotton, jute and rayon, employed by carpet manufacturers. The result of this upward adjustment in selling prices necessitated by rising costs has been to raise carpet prices to the point where consumers who ordinarily would be in the market for wool carpeting find themselves unable to purchase at the prevailing prices. In order to recover their customary market, carpet manufacturers who under normal conditions manufacture only all-wool carpets are finding themselves forced to turn to substitute materials which will permit them to produce a product whose selling price will be in line with the buying habits and ability to pay of the consuming public. It is desirable that encouragement be given manufacturers to utilize such substitute and lower cost materials, in place of wool, since only in that way will lower price carpeting be kept on the market.

The primary purpose of this revision of Supplementary Regulation 11 is to provide a method for pricing the new carpets made of various substitute yarns. The fairest and most equitable method for pricing these new carpets is by reference to the ceiling prices of the all-wool carpets for which they are being substituted. In other regulations issued by this Office, where a new product is priced by reference to the ceiling price of an older one, the principle has been established that a new product is priced by applying to its direct cost the same percentage markup as its manufacturer would enjoy on the one used as the criterion. This is the principle adopted in this regulation for the bulk of the new carpetings being priced.

However, it was urged by representatives of the carpet industry that while this method is generally fair, here, where the substitute materials in the new product are markedly lower in cost than the materials customarily employed, this method of pricing new commodities would seriously reduce the manufacturers' dollar operating margin and would discourage the production of low end merchandise. Industry representatives have pointed out that the use of substitute materials will not affect any of their other costs of operation, and, in particular their overhead cost, and that they will be unable to produce and sell inexpensive carpeting unless they are permitted to sell this carpeting at a figure high enough to cover their normal operating expenses. To eliminate any obstacles to the production of low end merchandise, this regulation permits the manufacturer the same dollar operating margin on low price carpeting as he enjoyed on certain all-wool carpeting. It is believed that this will have the effect of making production of inexpensive carpeting attractive to manufacturers and of stimulating the search for substitute materials to replace imported wool. The selling prices below which the manufacturer will be permitted to retain his normal dollar markup have been fixed on an industry basis by taking the low end constituting approximately 20 percent of total industry production. Experience under the regulation will soon show whether or not the cut-off points selected are proper or not. Those cut-off points may be reexamined and changed in the light of such experience.

While, for the most part, the use of fibres other than wool for the production of carpeting on heavy carpet looms is the result of the various dislocations and shortages created by the present emergency, some manufacturers, even prior to the Korean incident had turned to such alternate fibres. In order to establish prices for all manufacturers on the same basis, regardless of when production of carpeting made of cotton or other fibres in place of wool started, the regulation requires that all carpeting be priced by reference to the ceiling prices of an all-wool product.

Carpet manufacturers are required to price by comparison to an all-wool carpeting because this is the product which they normally and customarily made and which is basic to the industry. While there are manufacturers who normally make only carpets of other natural fibres, they do so on different and lighter looms from those employed by manufacturers of wool carpets. Consequently, it is not believed that there are any manufacturers covered by this regulation for whom an all-wool carpeting is not the most representative of their pre-Korean products.

Supplementary Regulation 11 as originally issued, permitted retailers and other intermediate distributors only to "pass through" to the next buyer so much of the cost of a floor covering to them as was the result of the higher price of imported wool since the issuance of the General Ceiling Price Regulation. Retailers and other sellers to the ultimate consumer were not permitted to take their usual mark-up on this element of cost. The purpose was to hold to an absolute minimum the unavoidable increase in the cost of a finished product consequent on a rise in raw material costs. The retailer, it is believed, was adequately compensated for handling the merchandise by continuing to receive his usual margin on what would have been the cost of the merchandise to him but for the dramatic increase in the cost of imported wool.

To the extent, however, that manufacturers now turn to cheaper substitute materials for wool examination of the "pass through" provision is necessary. The retailer it is to be assumed will again be handling a large number of low cost units involving greater expense per unit. Moreover, encouragement should be given retailers to handle low end floor coverings just as it is given manufacturers to produce such coverings. Consequently the "pass through" has been eliminated on the same low end items on which the manufacturer is permitted to retain his dollar margin of profit.

On high cost floor coverings made of wool or of a blend of wool and synthetic materials the initial justification for the "pass through" is still present. To the extent that wool or a synthetic material is used, the manufacturer's selling price on a floor covering reflects the sharp rise in the cost of these raw materials since the beginning of this year. Protection of the consumer demands that the retailer be permitted only to "pass through" such higher cost of such raw materials and not be permitted to pyramid it further by taking his usual margin.

This is accomplished by extending to all higher cost floor coverings containing wool or synthetic material the division between the "basic price" and the "permitted increase" first applied to floor coverings dealt in during the period from December 19, 1950 to January 15, 1951. Sellers, who calculate their ceiling price by taking their normal markup on the cost of the merchandise to them, are not permitted to include the "permitted increase" either in figuring the cost of the floor covering to them or in calculating the amount of their markup but add it to the ceiling otherwise determined.

Normal industry practices are recognized in the provisions governing the ceiling prices of distributors. Wholesalers, who normally buy at a discount from the manufacturer and sell at the same price, are given the same ceiling price of the manufacturer.

Because the General Ceiling Price Regulation to which this is supplemen-

tary is a freeze regulation, it is inevitable that it caught and froze accidental inequities. Information has been submitted to this Office which indicated that during the period fixed by this supplementary regulation as a base period, the prices of certain manufacturers were out of line with those of their competitors. Since it is not the intention of this Office to disturb existing business patterns, provision is made in this regulation for the adjustment of prices of any seller who, due to special circumstances, was not in his normal competitive relationship during the base period.

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950, and to relevant factors of general applicability.

Prior to the issuance of this revision to SR 11, there has been repeated consultation with industry representatives. Representatives of this Office have met on April 27, May 10, May 11, and May 18, 1951 with a special sub-committee appointed by the Industry Advisory Committee on Soft Surface Floor Coverings. This sub-committee includes representatives of companies which account for approximately sixty per cent of the total production of soft surface floor coverings affected by this supplementary regulation. The recommendations made by this subcommittee have been given serious consideration in the formulation of this regulation.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 C. F. R. 1950 Supp.

SECTION 1. *What this revised supplementary regulation does.* This revised supplementary regulation establishes ceiling prices for sales of soft surface floor coverings which are either entirely made of wool or which are within the following categories: Chenille, wilton, velvet, axminster and punched felt. It does not establish ceiling prices for sales at retail, but does contain a provision affecting the determination of retail ceiling prices. Insofar as sales of floor coverings covered by this regulation are concerned, this regulation supersedes all regulations previously issued by OPS, including CPR 22 and the previous Revision 1 of Supplementary Regulation 11, except that all provisions of the General Ceiling Price Regulation, not inconsistent with the provisions of this regulation, remain in effect, and apply to floor coverings covered by this regulation.

SEC. 2. *Ceiling prices on sales by a manufacturer of a floor covering of wool or synthetic material dealt in during the base period.* If you are a manufacturer, your ceiling price for any unit of floor covering whose face is entirely made of wool, of synthetic materials, or of a blend of both, and which you sold or offered for sale during the period from December 19, 1950 to January 15, 1951, is your mill or zone price for the applicable zone for that unit of floor covering contained in your price list in effect for deliveries during that period, plus 15 percent of your mill price.

SEC. 3. *Ceiling prices on sales by a manufacturer of a floor covering which cannot be priced under section 2 of this regulation*—(a) *Punched felt, axminster, velvet and wilton floor coverings whose face is not 100 percent wool.* (1) If you are a manufacturer, you determine your ceiling price for a unit of punched felt, axminster, velvet or wilton floor covering whose face is not entirely made of wool, and for which you have no price under section 2 of this regulation, by the method outlined in subparagraph (2) of this paragraph, provided that the ceiling price so determined is no higher than: $2.10 a square yard at the mill for a unit of punched felt floor covering; $5.50 a square yard at the mill for a unit of axminster floor covering; $7.50 a square yard at the mill for a unit of velvet floor covering; and $9.50 a square yard at the mill for a unit of wilton floor covering.

(2) First, calculate the difference between the current unit direct cost of the new unit of floor covering being priced and the current unit direct cost of a "comparison floor covering". Paragraph (d) of this section explains how you select a comparison floor covering. If the current unit direct cost of the unit of floor covering being priced is greater than that of the comparison floor covering, you add the difference to the ceiling price of the comparison floor covering as determined under section 2 of this regulation; the result is your ceiling price for the unit of floor covering being priced. If the current unit direct cost of the unit of floor covering being priced is smaller than that of the comparison floor covering, you subtract the difference from the ceiling price of the comparison floor covering; the result is your ceiling price on the unit of floor covering being priced.

(b) *All other floor coverings (not in new categories nor sold to a new class of purchaser).* If you are a manufacturer, you determine your ceiling price for a unit of floor covering, other than one for which you are able to determine a ceiling price under either section 2 or paragraph (a) of this section, including a floor covering whose face is entirely made of wool, a chenille floor covering and a punched felt, axminster, velvet or wilton floor covering which cannot be priced under paragraph (a) of this section, by applying to the current unit direct cost of that floor covering the percentage markup over the current unit direct cost of a "comparison floor covering" (using your ceiling price for the comparison floor covering determined under section 2 of this regulation).

(c) *Current unit direct cost.* "Current unit direct cost" as used in this section means the sum of the amounts (not higher than permitted by law) which it costs you, or if you are not currently producing it, would cost you for direct labor and materials to produce the floor covering at the time you use the pricing method provided by this section. Current unit direct materials cost shall be computed upon the basis of current replacement prices for materials and current unit direct labor cost shall be computed upon the basis of current wage rates for direct labor. The method used in computing current unit direct materials cost and current unit direct labor cost for the floor covering being priced and for the comparison floor covering shall be the same in every respect. The computation should be made on square yard basis.

(d) *Selection of a comparison floor covering.* The comparison floor covering to be used must be in the same category as the floor covering being priced; it must be a floor covering whose face is entirely made of wool; and must be one which you sold or offered for sale during the period from December 19, 1950 to January 15, 1951. The comparison floor covering used shall be the first of the following available:

(1) A floor covering that you are now manufacturing differing from the floor covering being priced only by reason of a minor change in color or pattern.

(2) A floor covering that you are no longer manufacturing differing from the floor covering being priced only by reason of a minor change in color or pattern.

(3) A floor covering that you are now manufacturing which is most nearly like the floor covering being priced and which has a current unit direct cost the same or lower than that of the floor covering being priced.

(4) A floor covering that you are no longer manufacturing which is most nearly like the floor covering being priced and whose current unit direct cost would be the same or lower than that of the floor covering being priced.

(5) A floor covering that you are now manufacturing which is most nearly like the floor covering being priced and whose current unit direct cost is next higher to that of the floor covering being priced.

(6) A floor covering that you are no longer manufacturing which is most nearly like the floor covering being priced and whose current unit direct cost would be next higher to that of the floor covering being priced.

(e) *Required report.* Before selling any floor covering for which you have determined a ceiling price under this section, you must file the report, required by paragraph (f) of this section on OPS Public Form No. 30, with the Director of Price Stabilization, Washington 25, D. C., and the sample required by paragraph (g) of this section. Copies of the form may be obtained upon request to the Consumer Durable Goods Division, Office of Price Stabilization, Washington 25, D. C. You may not sell the floor covering until 15 days after mailing your report and either the sample or a request for its waiver; thereafter, you may sell the floor covering at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(f) *Information required in report.* Your report should state the name and address of your company and the specifications of the floor covering being priced which shall include the following:

The category.
Your name, number or other designation of the article.
The pitch of the article.
The number of wires or rows, per inch.
The height of the pile, or the size of the wires, or the cut tuft length.
The number of frames.
The number of shots in the weave.
With respect to the pile yarn: The material and the weight per square yard.
With respect to the back, the chain, the stuffer, and the filling: The material and the weight per square yard.
The total weight per square yard.

In addition, your report should give your name, number or other designation of the comparison floor covering, the category in which it falls and should explain why you have selected it as a comparison floor covering. It should show a detailed breakdown of the current unit direct cost, computed on a square yard basis, of the comparison floor covering and of the floor covering being priced; the ceiling price of the comparison floor covering; the proposed ceiling price for the floor covering being priced. A report relating to a floor covering being priced under paragraph (b) of this section should also show the gross dollar margin per square yard and the percentage markup over current unit direct cost of the comparison floor covering. Your ceiling prices, when determined, shall reflect your customary price differentials, including discounts, allowances, premiums and extras, based upon differences in classes or location of purchasers, or in terms and conditions of sale or delivery.

(g) *Sample.* You should submit with your report a 9" x 12" sample of the floor covering being priced and a 9" x 12" sample of the comparison floor covering. The Director of Price Stabilization may waive this sample requirement at your request. A request for such waiver should either be submitted with your report or prior to filing it and should explain why the request is being made.

SEC. 4. *Ceiling prices on sales by a manufacturer of a floor covering which cannot be priced under either section 2 or section 3 of this regulation.* If you are a manufacturer and you cannot determine ceiling price under either section 2 or section 3 of this regulation for a unit of floor covering, your ceiling price for that unit of floor covering is the same as the ceiling price of your most closely competitive seller selling a comparable unit of floor covering to the same class of purchaser. A ceiling price so determined must be in line with the level of ceiling prices otherwise established by this regulation. You will be unable to price a floor covering under section 3 of this regulation, if during the period from December 19, 1950 to January 15, 1951 you neither sold nor offered for sale any comparison floor covering entirely made of wool in the same category as the floor covering you wish to price. You also will be unable to use section 3 of this regulation if you need to determine your ceiling price to a new class of purchaser.

(b) *Required report.* Before selling any unit of floor covering for which you have determined a ceiling price under this section, you must file the report required by paragraph (c) of this section with the Director of Price Stabilization, Washington 25, D. C., and the sample required by paragraph (d) of this section. You may not sell the floor covering until 15 days after mailing your report and the sample; thereafter, you may sell the floor covering at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(c) *Information required in report.* Your report should state the name and address of your company; the category in which the floor covering to be priced is; the most comparable categories dealt in by you during the period from December 19, 1950 to January 15, 1951; the name and address of your most closely competitive seller; a statement of his ceiling price on a comparable floor covering; his name or number for the comparable floor covering and a description of it; his customary price differentials; your proposed ceiling price, and, if you are selling to an entirely new class of purchaser, a description of such class of purchaser. Your report should also give the same specifications for the floor covering you are pricing as are listed in section 3 (f) of this regulation. If you are starting a new business, you should include a statement whether you or the principal owner of your business are now or during the past 12 months have been engaged in any capacity in the same or a similar business at any other establishment, and, if so, the trade name and address of each such establishment.

(d) *Sample.* You should submit with your report a 9" x 12" sample of the floor covering to be priced and a 9" x 12" sample of the comparable unit of floor covering referred to in the report.

SEC. 5. *Ceiling prices on sales by a wholesaler.* If you are a wholesaler, your ceiling price for any unit of floor covering covered by this regulation shall be the same as the ceiling price of the manufacturer of such unit of floor covering to the same class of purchaser.

SEC. 6. *Manufacturers and wholesalers who cannot price under other sections.* (a) If you claim that you are unable to determine your ceiling price for a unit of floor covering under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C. for the establishment of a ceiling price.

(b) Your application should contain your proposed ceiling price, an explanation of why you are unable to determine your ceiling price under any other provision of this regulation and of the method used by you to determine your proposed ceiling price. If you are a manufacturer, your report should state the name and address of your company, the specifications and the current unit direct cost, computed on a square yard basis, of the unit of floor covering being priced. A 9" x 12" sample of the floor covering being priced should be submitted with your report. You may not sell the floor covering until the Director of Price Stabilization notifies you, in writing, of your ceiling price.

SEC. 7. *Sales to a wholesaler.* On any sale to a wholesaler no smaller percentage of discount shall be given than the discount in effect with the seller during the period from December 19, 1950 to January 15, 1951.

SEC. 8. *Notification of "permitted increase."* Any manufacturer or wholesaler of floor covering must break down his invoice price into two parts to show the "basic price" and the "permitted increase" on any sale except to a wholesaler of a unit of floor covering which contains any wool or synthetic material and whose ceiling price is not the same as its basic price as defined in section 13 of this regulation. To each invoice rendered in conection with a sale to a retailer or interior decorator shall be affixed (by rubber stamp or other convenient means) this statement:

The amount on this invoice shown as the "basic price" is the cost on which you apply your markup under OPS Ceiling Price Regulation 7. The amount shown as "permitted increase" may be added to your price after applying your mark-up. The total becomes your ceiling price.

SEC. 9. *Addition of "permitted increase."* (a) If you are a seller, other than a manufacturer or wholesaler, and you determine your ceiling price for a unit of floor covering under section 3 of the General Ceiling Price Regulation, you may add to your ceiling price so established an amount equal to the "per-

mitted increase." The result becomes your new ceiling price.

(b) If you are a seller, other than a manufacturer or wholesaler, and you determine your ceiling price for a unit of floor covering under section 5 of the General Ceiling Price Regulation and either your ceiling price on the comparison floor covering or the net invoice cost to you of the floor covering being priced includes a "permitted increase", such "permitted increase" should be ignored in making your calculation. Thus, if both your ceiling price for the comparison floor covering and the net invoice cost of the floor covering being priced include a permitted increase, you must treat the "permitted increase" as follows:

(1) First, subtract from your ceiling price on the comparison floor covering the "permitted increase".

(2) Next subtract from the result of paragraph (a) of this section, the "basic price" of the comparison floor covering. This will give you the dollar margin over cost of the comparison floor covering.

(3) Divide this dollar margin by the "basic price" of the comparison floor covering. This will give you your percentage mark-up.

(4) Apply this percentage mark-up to the "basic price" of the floor covering being priced. This will give you your dollar mark-up.

(5) Then add to the dollar mark-up the "basic price" and the "permitted increase" on the floor covering being priced. The result is your ceiling price on the unit of the floor covering being priced.

Example: You are pricing a unit of floor covering for which the invoice to you shows a "basic price" of $50.00 and a "permitted increase" of $2.50, the total cost to you being $52.50. Your comparison floor covering had a "basic price" of $60.00 and a "permitted increase" of $9.00. Your ceiling price on the comparison floor covering was $99.00. (1) $99.00 minus $9.00 is $90.00. $90.00 is your ceiling price minus the "permitted increase" of the comparison floor covering. (2) $90.00 minus $60.00 is $30.00. $30.00 is the dollar margin over cost which you received on the comparison floor covering. (3) $30.00 divided by $60.00 is 50 percent. This is the percentage mark-up for the comparison floor covering. (4) 50 percent of $50.00, the "basic price" of the floor covering being priced, is $25.00, your dollar mark-up. (5) $25.00 plus $50.00, the "basic price" plus $2.50, the "permitted increase" is $77.50. This is your ceiling price for the floor covering being priced.

SEC. 10. *Retention of present ceilings.* Until August 1951, you may continue to sell any floor coverings for which you determine your ceiling price under sections 3, 4, 5 or 6 of this regulation and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under a regulation previously issued by the OPS, at the ceiling price previously determined.

SEC. 11. *Adjustment of a manufacturer's ceiling prices.* The Director of Price Stabilization on an application for adjustment made in accordance with Price Procedural Regulation 1 may adjust your ceiling prices if, because of special circumstances during the period from December 19, 1950 to January 15, 1951, they are abnormally low in relation to the ceiling prices on comparable floor coverings sold by closely competitive manufacturers. An application for such an adjustment should be sent to the Director of Price Stabilization, Washington 25, D. C., and should set forth the facts as to the special circumstances which resulted in your ceiling prices being abnormally low in relation to those of your competitors. It should give the name or number, and the description of the floor coverings on which you are asking a price adjustment; the names and addresses of two of your most closely competitive sellers; a statement of their ceiling prices on floor coverings comparable to those sold by you and their name or number for the comparable floor coverings; and your present ceiling prices and your proposed ceiling prices.

SEC. 12. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 13. *Definitions.*

Basic price. The "basic price" and the manufacturer's ceiling price are the same on every unit of floor covering except one which contains some wool or synthetic material and whose ceiling price at the mill is higher than $2.10 a square yard for a unit of punched felt floor covering; $5.50 a square yard for a unit of axminister floor covering; $7.50 a square yard for a unit of velvet floor covering; and $9.50 a square yard for a unit of wilton floor covering. On a unit of floor covering which contains wool or synthetic material and whose ceiling price at the mill is higher than the amounts named for the types of floor covering referred to above, the "basic price" is the manufacturer's ceiling price minus the "permitted increase."

Category. This term refers to the type of weave, if woven on a loom, such as axminster, wilton, velvet or chenille type of weave, or to the manufacturing process, such as that which produces a punched felt floor covering. A change in the face material does not change the category.

Permitted increase. On a unit of floor covering, whose face is entirely made of wool, of synthetic materials or of a blend of both, the "permitted increase" shall be an amount equal to 13 percent of the manufacturer's ceiling price at the mill. On a unit of floor covering, whose face is made partially of wool, of synthetic materials, or of a blend of both and partially of some other face materials, the "permitted increase" shall be that proportion of 13 percent of the manufacturer's ceiling price at the mill established by this regulation which the cost of wool and synthetic material is to the total cost of face materials.

Unit. This term means the specific article of floor covering sold or offered for sale.

Wholesaler. This term means a person who resells floor coverings as a distributor, jobber, agent or broker, and includes a person who resells floor coverings to both ultimate consumers and others, but does not include a person who regularly purchases floor coverings from the manufacturer at no discount from the manufacturer's price list (with the exception of cash discounts and discounts for seconds, drops, imperfects, trial-runs, remnants, mill ends, or other similar units). This term does not include a decorator supply house or carpet contractor.

Effective date. This revision of Supplementary Regulation 11 to the General Ceiling Price Regulation shall become effective July 2, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 2, 1951.

[F. R. Doc. 51-7833; Filed, July 3, 1951; 11:14 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Wage Regulation 8, Amendment 2]

GWR 8—COST OF LIVING INCREASES PROVIDED BY ESCALATOR CLAUSES AND WAGE AND SALARY PLANS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong., extended by Public Law 69, 82d Congress), Executive Order 10161 (15 F. R. 6105), and Executive Order 10233 (16 F. R. 3503), General Wage Regulation No. 8 (16 F. R. 2222) is amended by changing "June 30, 1951," in both section 4 and the undesignated paragraph which follows that section, to "July 31, 1951."

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; E. O. 10233, Apr. 21, 1951, 16 F. R. 3503)

Issued: June 30, 1951.

ERIC JOHNSTON,
Administrator,
Economic Stabilization Agency.

[F. R. Doc. 51-7834; Filed, July 3, 1951; 11:15 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-4, as Amended July 1, 1951]

M-4—CONSTRUCTION

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the

formulation of this amendment, however, consultation with industry representatives, including trade association representatives, was found to be impracticable due to the necessity for immediate action.

This amendment affects NPA Order M–4 as amended May 11, 1951, as follows: It adds a new paragraph (j) to section 3, a new paragraph (c) to section 4, and amends sections 5, 6, 15, 16, and 17.

As amended, NPA Order M–4 reads as follows:

Sec.
1. What this order does.
2. Policy of the National Production Authority.
3. Definitions.
4. Prohibited construction.
5. Exemptions.
6. Authorization for certain construction.
7. Multiple use of buildings, structures, or projects.
8. Scope of this order.
9. Prohibited deliveries.
10. Defense against claims for damages.
11. Applications for adjustment or exception.
12. Communications.
13. Reports.
14. Violations.
15. List A—Prohibited construction.
16. List B—Construction where NPA authorization is required.
17. List C—Additional construction where NPA authorization is required.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* In order to further the purposes of the Defense Production Act of 1950 by conserving critical materials and services needed for the defense program, this order prohibits the commencement of construction of certain types of buildings, structures, and projects unless specific exception is made, or authorization issued, by the National Production Authority. The order allows, within specified limits, small construction jobs, and necessary maintenance and repair of buildings, structures, or projects, and also permits, under specified circumstances, the restoration of buildings, structures, or projects in the event of a disaster, act of God, or an act of war.

SEC. 2. *Policy of the National Production Authority.* In the event that increasing shortages clearly indicate the necessity for such action in the national interest, the National Production Authority may further limit the commencement of construction of additional types of buildings, structures, or projects which do not support the defense effort or increase the Nation's production capacity for defense.

SEC. 3. *Definitions.* For the purpose of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure, or project.

(c) "Commence construction" means substantial site clearance (including demolition of buildings or structures), preliminary to the start of or incident to the work on a new building, structure, or project; or to incorporate into a building, structure, or project, substantial quantities of materials which are to be an integral and permanent part of such building, structure, or project.

(d) "Construction cost" means the total expense for demolition of existing structures in connection with a new construction, for site preparation, and for building materials, building equipment, and labor and services, used in the construction of the particular building, structure, or project, by whomever spent. It does not include the cost of personal property, or the expense for land acquisition, attorneys, architects, and financing.

(e) "Consumer goods" means articles or commodities that directly satisfy human wants or desires, and which are capable of use without further processing (for example, clothing, food, furniture, floor covering, household appliances, motor vehicles, etc.). They are distinguished from capital goods (for example, dynamos, industrial ovens, generators, etc.). They are distinguished also from production goods that satisfy wants only indirectly as factors in the production of other articles or commodities (for example, machine tools, heavy duty presses, etc.).

(f) "Damage restoration" means restoring to substantially the same size and condition on the same site, any building, structure, or project which has been damaged by storm, fire, flood, or other disaster, or by act of God, or act of war.

(g) "Maintenance and repair" means such work as is necessary to keep a building, structure, or project in sound working condition or to rehabilitate a building, structure, or project or any portion thereof, when the same has been rendered unsafe or unfit for service by wear and tear, or other similar causes. The term does not include any building operation or job where substantial structural alterations or changes in design are made.

(h) "Office building" means any building the principal use of which is to provide office space or office facilities, regardless of whether it is designed for the exclusive or partial use of its owner or is to be used commercially and rented to prospective tenants, including buildings for use by government agencies. The size of the building is not a determinative factor in deciding whether a building is an office building as the term includes both one-story and multistoried structures; but the term does not include a private residence with incidental office space located therein for the use of the occupant.

(i) "Hotel" means either or both an establishment furnishing sleeping accommodations for transient guests, or an establishment classified as a hotel under applicable State, municipal, or other local law.

(j) "Calculated floor area" means the total floor area measured to the outside surfaces of exterior walls, including finished habitable attics and basement rooms, stairhalls, and closets, but excluding foundations, unfinished and nonhabitable portions of basements, garages, unfinished attics, open porches, balconies, and terraces.

SEC. 4. *Prohibited construction.* (a) (1) Except as permitted in section 5 of this order, or pursuant to an adjustment or exception granted under section 11 of this order, after midnight October 26, 1950, no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 15 of this order.

(2) Since October 26, 1950, the National Production Authority has issued exceptions to permit the commencement of construction of specific buildings, structures, or projects of the type prohibited by section 15 of this order. All such exceptions granted prior to January 13, 1951, will cease to be effective 120 days after the date of issuance, unless construction has been commenced within that time; and construction of any such building, structure, or project may not be commenced thereafter without a further authorization from the National Production Authority.

(b) (1) After midnight, January 13, 1951, with respect to construction specified in section 16 (List B), and after midnight, May 3, 1951, with respect to construction specified in section 17 (List C), no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16 (List B) or section 17 (List C), until a specific authorization therefor has been issued by the National Production Authority. The conditions which must exist before an authorization will be issued are set forth in section 6 of this order.

(2) In matters involving unreasonable hardship, or when required in the interest of the national defense, the National Production Authority may grant an exception from this order, pursuant to section 11, with respect to types of construction specified in section 16 (List B) and section 17 (List C).

(c) Commencing July 1, 1951, no person shall use in or in connection with the construction of any building, structure, or project, any copper or aluminum in the forms and shapes indicated in Schedule 1 of CMP Regulation No. 1 for solely decorative or ornamental purposes, or use any copper in the forms and shapes indicated in Schedule 1, whether prefabricated, or fabricated, adapted, or fitted on the site of the construction, for any of the following purposes:

Cement flooring and composition flooring (except that (crude arsenical) copper precipitate may be used for flooring in hospital operating and anesthesia rooms, for places where explosives are handled or stored, and for places where explosive vapors may be present).
Cornices.
Downspouts and accessories thereto.
Facias.
Gutters and accessories thereto.
I. P. S. waste nipples.
Leaders and accessories thereto.
Linoleum stripping.

Marquees.
Metal siding.
Mouldings for joining cabinet sinks.
Pipe, iron pipe sizes, and fittings (except for industrial process piping and chemical and gas equipment; solder nipples, solder bushing, and ferrules; *and special hospital plumbing fixtures*), including unions and union fittings (except seats, and except for other parts of unions and union fittings (1) where and to the extent that the physical and chemical properties of the liquid or gas passing through the union or union fittings make the use of any other material dangerous or impractical, or (2) where the valve is of a type designed for use in an air conditioning or refrigeration "system", or (3) where use of copper and tubing and/or brass pipe is permitted).
Roofing.
Store fronts.
Supply pipes, iron pipe sizes.
Terrazzo strips.
Tube, tubing, and fittings for piping systems in construction (except for Type K for underground water service connections; Types B, L, and M for domestic hot and cold water supply pipes, tank to oil burner hook-ups, and oxygen lines; Types B, K, L, and M for industrial process, food, chemical, and gas equipment piping; and seamless tube for air temperature control apparatus).

SEC. 5. *Exemptions.* The following construction in connection with the buildings, structures, or projects to be used in connection with any of the purposes specified in section 15, 16, and 17 of this order is exempted from this order:

(a) Maintenance and repair on any building, structure, or project.

(b) Small jobs of new construction or in connection with any such building, structure, or project including, but not limited to, alterations, additions, improvements, and modernization, where the cost of all such work shall not exceed:

(1) In the case of interior alterations, additions, improvements, or modernization of hotels, store space of department stores, office buildings, and loft buildings, 25 cents per square foot of occupied space for any consecutive 12-month period. (In computing this cost, both construction cost and all other expenses or charges incident to the work shall be taken into consideration.)

(2) In the case of any type of construction of all other buildings, structures, or projects specified in section 15 (List A), section 16 (List B), and section 17 (List C), $5,000 for any consecutive 12-month period. (In computing this cost, only construction cost shall be considered.)

(3) In addition, alterations, additions, improvement, or modernization may be made in the case of an industrial plant, factory, or facility, without authorization from the National Production Authority: *Provided,* That, after completion, the total use of steel in such alteration, addition, improvement, or modernization, both in the forms and shapes as defined in NPA Order M–1 and also reinforcing steel, will not exceed 25 tons.

(c) Reconstruction of any such building, structure, or project following a fire, flood, storm, disaster, act of God, or act of war, which occurred on or after July 29, 1950: *Provided, however,* That the reconstruction work will not require the use of more than a total quantity of 25 tons of steel, both in the forms and shapes as defined in NPA Order M–1 and also reinforcing steel.

(d) Construction by, or for the account of, the Department of Defense, the Atomic Energy Commission, the National Advisory Committee for Aeronautics, or the Office of Rubber Reserve of the Reconstruction Finance Corporation.

(e) Installation of personal property to be physically attached to a building, structure, or project (for example, TV transmitter; theatre seat), if the total cost incurred for such installation in any consecutive 12-month period does not exceed $2,000.

(f) Construction of an industrial plant, facility, or factory for which a certificate of necessity has been issued pursuant to the provisions of the Revenue Act of 1950, or a loan made pursuant to section 302 of the Defense Production Act of 1950.

SEC. 6. *Authorization for certain construction.* (a) Any person desiring to erect a building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16 or section 17 of this order, may apply for a National Production Authority authorization to commence such construction. The application shall be made on Form NPAF–24, copies of which are available at all field offices of the Department of Commerce, and should be addressed to the field office of the Department of Commerce in the region of the site of the proposed construction.

(b) Authorization under this section will be granted if the National Production Authority is satisfied that the desired construction conforms to the following requirements:

(1) It furthers the defense effort by providing facilities of the type specified in sections 16 or 17 of this order in areas adjacent to military establishments or defense plants and projects, which construction the National Production Authority considers necessary to furnish or to supplement facilities in connection with the activities of the Defense Production Administration, the Department of Defense, or the Atomic Energy Commission, including their programs for increasing production capacity; or

(2) It is essential to maintenance of public health, safety, or welfare.

(c) Further, with respect to an application for authorization to construct a facility not directly related to the defense effort, the NPA will consider the type and quantity of materials on hand, and needed, for the facility, and the effect on the community at large if the authorization were denied.

SEC. 7. *Multiple use buildings, structures, or projects.* Where a building, structure, or project to be constructed is designed for a number of different uses and occupants, no portion thereof shall be constructed for use or occupancy in connection with any of the purposes specified in sections 15, 16, or 17 of this order where the construction cost apportionable to such use or occupancy will exceed the small job exemption provided for in section 5 (b) of this order.

SEC. 8. *Scope of this order.* This order shall apply to construction in the 48 States, the District of Columbia, and in the territories and insular possessions of the United States.

SEC. 9. *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material, equipment, or supplies which he knows, or has reason to believe, will be used in violation of the provisions of this order.

SEC. 10. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under contract or order which shall result directly or indirectly from compliance with any regulation or order of the National Production Authority (including any direction, directive, or other instruction), notwithstanding that any such regulation or order shall thereafter be declared by a judicial or other competent authority to be invalid.

SEC. 11. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that:

(a) Such provision works an unreasonable hardship upon him not suffered generally by others in the same trade, industry, or other relative position; or that enforcement of such provision against him would not be in the interest of the national defense. In determining whether unreasonable hardship exists, the National Production Authority will consider, among other things:

(1) The extent of the work done by the applicant incident to the proposed construction.

(2) Whether the building, structure, or project requires reconstruction as a result of a fire, flood, storm, disaster, act of God, or act of war.

(3) Whether a building, structure, or project of the applicant has been seized by legal action under eminent domain, or condemned by responsible governmental authorities; and the applicant requests permission to replace such facility.

(b) Each request shall be made on Form NPAF–24, copies of which are available at all field offices of the Department of Commerce, and should be addressed to the field office of the Department of Commerce in the region of the site of the proposed construction.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the appropriate field office of the Department of Commerce, Ref: NPA, M–4.

SEC. 13. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 14. *Violations.* Any person who wilfully violates any provisions of this order, or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact, or furnishes false information in the course of operation under this order, is guilty of a crime, and upon conviction, may be

punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend any authority to commence or complete construction or such other assistance as may be rendered pursuant to this order.

SEC. 15. *List A—Prohibited construction.*

All buildings, structures, or projects to be used for, or in connection with, any recreational, amusement, or entertainment purpose, whether public or private (unless authorized pursuant to section 6 of this order), including, but not limited to:

Amphitheater.
Amusement arcade.
Amusement device built into place on the site such as a roller coaster, merry-go-round, or similar device or kind. This shall not include demountable or portable equipment.
Amusement park.
Arena.
Assembly hall used primarily for recreation or amusement.
Athletic field house.
Band stand.
Bars and buildings or structures where the predominant business carried out therein or in connection therewith shall be the sale for consumption on the premises of alcoholic liquors.
Baseball park.
Bath house.
Billiard or pool parlor.
Bleachers and similar seating arrangements when they are built in place as a permanent part of the building, structure, or project.
Boardwalk used primarily for recreation or amusement.
Boat or canoe club.
Bowling alley establishment.
Cabana.
Camp (except for public or social welfare).
Carnival.
Club building except for social welfare purposes.
Country club.
Dance hall.
Dance studio.
Dude ranch used primarily for recreation or amusement.
Exposition or exhibition building or structure for recreational, amusement, or entertainment displays or purposes.
Flood lighting (including piers, poles, towers, framework, or foundation with fixed equipment) in connection with any recreational, amusement, or entertainment purpose.
Gambling establishment.
Golf course.
Golf club.
Golf driving range.
Grandstand.
Gymnasium.
Lodge hall.
Music shell.
Night club.
Pier used primarily for recreation or amusement.
Race track, any kind.
Riding academy.
Rodeo.
Shooting gallery.
Skating rink.
Ski lodge.
Slot machine establishment.
Stadium.
Swimming pool.
Theater, any kind (including drive-in theater).
Yacht basin or marine railway primarily for the use of pleasure craft.

SEC. 16. *List B—Construction where NPA authorization is required.* Any building, structure, or project to be used for, or in connection with, any of the following specified purposes:

Bank, credit institution, or brokerage establishment.
Community or neighborhood building.
Furnishing of personal services (e. g., barber shop, beauty shop, undertaking and mortuary establishment, cemetery building, mausoleum, crematory, garage, service station, shoe repair shop, laundry, dry cleaning establishment, tailor shop).
Hotel, motel, motor court, tourist camp, trailer camp.
Loft building.
Office building.
Outdoor advertising sign.
Printing or duplicating establishment including, but not limited to, facilities for the publication of newspapers, books, and periodicals.
Restaurant.
Storage, distribution, display, or sale of consumer goods (for example, retail store, shopping center, wholesale establishment, gasoline filling station, drugstore, soda fountain, florist shop, greenhouse).
Storage warehouse for personal effects.
Tobacco auction warehouse.

SEC. 17. *List C—Additional construction where NPA authorization is required.*

Multiunit residential building in excess of three stories and basement.
Residential unit for single family occupancy with a calculated floor area in excess of 2500 square feet.
Building, structure, or project for radio broadcasting or television broadcasting.
Terminal warehouse.
Any and all other public or private buildings, structures, or projects of a type not listed above in this list C, and not listed in list A or in list B, of every kind except residential construction (including but not limited to an industrial plant, facility, or factory), which will require the use of more than a total quantity of 25 tons of steel, both in the forms and shapes as defined in NPA Order M-1 and also reinforcing steel.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect on July 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F R. Doc. 51-7822; Filed, July 2, 1951; 4:56 p. m.]

[NPA Order M-12 as Amended July 2, 1951]

M-12—USE OF COPPER AND COPPER-BASE ALLOYS

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and because the order effects a large number of different trades and industries.

Sections 1, 2, 3, 4, 5, 6, 7, and 9 (as renumbered) are amended; section 9 is renumbered 8; sections 8, 10, and 11 are deleted; sections 12, 13, 14, and 15 are renumbered as 9, 10, 11, and 12; references throughout the order to these sections are changed accordingly; and lists A & B are deleted. As so amended, NPA Order M-12 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Copper forms and products to which this order applies.
4. Application of order.
5. Production of brass mill products, copper wire mill products, and foundry products.
6. Use of copper forms and products.
7. Liability for noncompliance.
8. Exemptions.
9. Applications for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to describe how the copper remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy, and to limit the use of copper where such limitation is not accomplished by allotments or other orders. It is the policy of the National Production Authority that copper and articles made of copper not required to fill authorized controlled material orders and rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, incorporate into products, fabricate, or otherwise alter the forms and products of copper defined in section 3 by physical or chemical means, and includes the use of copper in plating.

SEC. 3. *Copper forms and products to which this order applies.* This order applies to the following forms and products of copper: Copper, copper-base alloy, brass mill products, copper wire mill products, and foundry copper products and copper-base alloy products. For the purpose of this order, these items are defined as follows:

(a) "Copper" means unalloyed copper. (It includes electrolytic copper, fire refined copper, and all unalloyed copper in any form including scrap.)

(b) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy. (It shall include

fired and demilitarized cartridge and artillery cases, and all copper-base alloy, as specified above, in any form including scrap.) It does not include alloyed gold produced in accordance with U. S. Commercial standard CS67–38.

(c) "Brass mill products," for the purpose of this order, means copper and copper-base alloys in the following forms: sheet, plate, and strip in flat lengths or coils; rod, bar, shapes, and wire, except copper wire mill products; and seamless tube and pipe. Straightening, threading, chamfering and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs.
Cups.
Blanks and segments.
Forgings.
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

Allotments for the purpose of producing such related products shall be in terms of the estimated weight of the brass mill product from which such related product is made.

(d) "Copper wire mill product" means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cable, where the conductors are made from copper, copper-base alloy, or copper-clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content.

(e) "Foundry product" means cast copper or copper-base alloy shapes and forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, or dipping, but does not include any further machining or processing.)

SEC. 4. *Application of order.* Subject to the exemption stated in section 8, this order applies to all persons who produce brass mill products, copper wire mill products, or foundry products as listed in section 3 of this order, or who use any of the forms and products of copper defined in section 3 of this order in manufacture. This order does not apply to the use of copper which is limited or controlled by CMP allotments or other applicable NPA orders, or to the use of copper or copper-base alloy in the production of other metals or metal alloys.

SEC. 5. *Production of brass mill products, copper wire mill products, and foundry products.* Subject to the exemptions stated in section 8 of this order, or unless specifically directed by the National Production Authority:

(a) No person shall produce during July 1951 a total quantity by weight of brass mill products and copper wire mill products in excess of 80 percent of his average monthly production of such products during the base period. The production of brass mill products and copper wire mill products pursuant to an authorized toll or conversion agreement whereby title to the material to be processed remains vested in the person who delivers it is permitted in addition to the production permitted by this paragraph. In determining average monthly production during the base period, the brass mill products and copper wire mill products so produced shall not be included in the base period production of the brass mill or wire mill. Nothing contained in this paragraph shall affect the restrictions on toll or other similar agreements contained in NPA Order M–16.

(b) No person shall produce during July 1951 a total quantity by weight of foundry products in excess of 100 percent of his average monthly production of foundry products during the base period.

SEC. 6. *Use of copper forms and products.* Subject to the exemptions stated in section 8 of this order, or unless specifically directed by the National Production Authority, during July 1951 and each month thereafter, no person shall use in any process (such as plating) or in the manufacture or production of any chemical, drug, pharmaceutical, or insecticide, or any product which is not listed in NPA Order M–47A or which is not a part of a product so listed, a quantity by weight of the forms and products of copper defined in section 3 of this order in excess of 75 percent of his average monthly use of such materials for such purposes during the base period: *Provided, however,* That this limitation shall not apply to the use of such material pursuant to an authorized production schedule received in accordance with CMP Regulation No. 1.

SEC. 7. *Liability for noncompliance.* Nothing contained herein shall relieve any person from liability for violations of any provision of this order which was in effect at the time of such violation.

SEC. 8. *Exemptions.* (a) The production of brass mill, copper wire mill, and foundry products, and the use of such products is permitted to fill rated orders, or to meet any mandatory order of the National Production Authority, in addition to the production and use permitted by the provisions of sections 5 and 6 of this order.

(b) Copper forms and products defined in section 3 acquired with ratings, or to meet a National Production Authority scheduled program may be used in addition to the quantities permitted by the provisions of section 6.

(c) The provisions of section 6 do not apply to persons who use less than 1,000 lbs. of the copper forms and products defined in section 3 during any calendar quarter: *Provided, however,* That persons who, by reason of the provisions of section 6, would be permitted to use less than 1,000 lbs. during any calendar quarter, may use, during such period, a quantity up to 1,000 pounds.

SEC. 9. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Producers shall make such application on Form NPAF–11, "Copper and Copper-Base Alloys: Producer's Application for Adjustment or Exception." Copies of these forms may be obtained from the nearest Department of Commerce Field Office.

SEC. 10. *Records and reports.* (a) Persons subject to this order shall preserve the records which they have maintained of production, inventories, receipts, deliveries, and uses of copper forms and products defined in section 3 of this order commencing with January 1, 1950.

(b) Persons subject to this order shall make records and submit such reports to the National Production Authority as it shall require subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M–12.

SEC. 12. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended, including Lists A and B, shall take effect, except as otherwise specifically stated, on July 2, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7819; Filed, July 2, 1951; 4:55 p. m.]

[NPA Order M–74]

M–74—USE OF COPPER AND COPPER-BASE ALLOY IN CONSTRUCTION MATERIALS

This order is found necessary and appropriate to promote the national de-

fense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use of copper.
4. Applications for adjustment or exception.
5. Records.
6. Audit and inspection.
7. Reports.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101 E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve copper and copper-base alloys so as best to serve the interests of national defense and essential civilian requirements. It prohibits the use by a manufacturer or assembler of copper or copper-base alloy, or component parts made therefrom, in the manufacture or assembly of certain items.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Manufacture" means to put into process, machine, incorporate into products, fabricate, or otherwise alter the forms and products of copper defined in paragraph (c) of this section by physical or chemical means, and includes the use of copper in plating.

(c) "Copper and copper-base alloy" means the following forms and products of copper:

(1) *Unalloyed copper.* (It includes electrolytic copper, fire refined copper, and all unalloyed copper in any form including scrap.)

(2) *Copper-base alloy.* Any alloy, the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy. (It includes fired or demilitarized cartridge cases and artillery cases and all copper-base alloys as specified above in any form, including scrap.)

(3) *Brass mill products.* Copper and copper-base alloys in the following forms: sheet, plate, and strip in flat lengths or coils; rod, bar, shapes, and wire, except copper wire mill products; and seamless tube and pipe. Straightening, threading, chamfering and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs.
Cups.
Blanks and segments.
Forgings.
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

(4) *Copper wire mill products.* Bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cable, where the conductors are made from copper, copper-base alloy, or copper-clad steel, containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content.

(5) *Foundry copper products and copper-base alloy products.* Cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any further machining or processing.)

SEC. 3. *Restrictions on use of copper.* Commencing on July 1, 1951, no person shall use copper or copper-base alloy, as defined in section 2 of this order, or any component or part made therefrom in the manufacture or assembly of any item included in the attached List A except as permitted therein.

SEC. 4. *Applications for adjustment or exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 5. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 6. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 7. *Reports.* Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 8. *Communications.* All communications and reports concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M–74.

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order includes List A hereto attached and shall take effect on July 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

The use of copper or copper-base alloys, or any component or part made therefrom, in the items listed below is prohibited except to the extent permitted in the list.

Bands on pipe insulation.
Chimneys and flues.
Conduits (except instrument assemblies).
Door sills.
Door frames (not including hardware and attachments).
Doors (not including hardware and attachments).
Drains (except strainer grids for showers and urinals).
Drip pans.
Escutcheons and plates for floor, ceiling, and wall use.
Fittings for underfloor raceway systems.
Gratings.
Grids (except for flooring in hospital operating rooms and anesthesia rooms, for places where explosives are handled or stored, and for places where explosive vapors may be present).
Grilles and shields, including fresh air inlet boxes and radiator and convector enclosures.
Lavatory legs (except for hospital use).
Louvers.
Ornamental metal work; including grille work, railings, and fittings.
Radiator covers and shields.
Railings and fittings.
Reglets, molding, and trim.
Skylights.
Straps and hangers for pipe supports.
Switch plates.
Traps (except tube traps in 20-gage without cleanouts; except traps cast from secondary metal; except brass plates for cast iron drum traps).

Thresholds and saddles.
Unit heaters, unit ventilators, unit ventilator inlet wall boxes and convectors, and blast heating coils, or any apparatus using such coils as part of its construction (except for valves, controls, fins, bearings, or parts necessary for conducting electricity, and for water or steam courses and headers).
Valve handles (except plumbing fixture trim).
Ventilators (except for current carrying parts).
Vents.
Window frames (not including butts, hinges, and hardware).
Window sills (not including butts, hinges, and hardware).

[F. R. Doc. 51-7821; Filed, July 2, 1951; 4:56 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

POLAND

In § 127.331 *Poland* (39 CFR 127.331) amend the table of rates in subdivision (i) of subparagraph (1) of paragraph (b) to read as follows:

(b) *Parcel post.* * * *

(1) *Table of rates.* (i) Surface parcels.

Pounds:	Rate	Pounds:	Rate
1	$0.17	23	$3.01
2	.34	24	4.08
3	.51	25	4.25
4	.68	26	4.42
5	.85	27	4.59
6	1.02	28	4.76
7	1.19	29	4.93
8	1.36	30	5.10
9	1.53	31	5.27
10	1.70	32	5.44
11	1.87	33	5.61
12	2.04	34	5.78
13	2.21	35	5.95
14	2.38	36	6.12
15	2.55	37	6.29
16	2.72	38	6.46
17	2.89	39	6.63
18	3.06	40	6.80
19	3.23	41	6.97
20	3.40	42	7.14
21	3.57	43	7.31
22	3.74	44	7.48

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-7636; Filed, July 3, 1951; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 12 since it was last recapitulated in the FEDERAL REGISTER (April 17, 1946, 11 F. R. 4240) there follows a recapitulation of Part 12 as revised to and including the Commission's action of June 6, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

AUTHORITY: §§ 12.0 to 12.162 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 12.0 *Basis and purpose.* The rules and regulations in this part are designed to provide an amateur radio service having a fundamental purpose as expressed in the following principles:

(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications.

(b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.

(c) Encouragement and improvement of the amateur radio service through rules which provide for advancing skills in both the communication and technical phases of the art.

(d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.

(e) Continuation and extension of the amateur's unique ability to enhance international good will.

DEFINITIONS

§ 12.1 *Amateur service.* The term "amateur service" means a radio service carried on by amateur stations.

§ 12.2 *Amateur operator.* The term "amateur operator" means a person interested in radio technique solely with a personal aim and without pecuniary interest, holding a valid license issued by the Federal Communications Commission authorizing him to operate licensed amateur stations.

§ 12.3 *Amateur station.* The term "amateur station" means a station used by an amateur operator, and it embraces all radio transmitting apparatus at a particular location used for amateur service and operated under a single instrument of authorization.

§ 12.4 *Amateur portable station.* The term "amateur portable station" means an amateur station that is so constructed that it may conveniently be moved about from place to place for communication, but which is not operated while in motion.

§ 12.5 *Amateur mobile station.* The term "amateur mobile station" means an amateur station that is so constructed that it may conveniently be transferred to or from a mobile unit or from one such unit to another, and is ordinarily used while such mobile unit is in motion.

§ 12.6 *Amateur radio communication.* The term "amateur radio communication" means radio communication between amateur stations solely with a personal aim and without pecuniary interest.

§ 12.7 *Remote control.* The term "remote control" as applied to the amateur radio service, means control of transmitting equipment of an amateur station from an operating position other than one at which the transmitter is in view and immediately accessible; except that, direct mechanical control or direct electrical control by wired connections of an amateur transmitter from a point located on board any aircraft, vessel or vehicle on which such transmitter is located shall not be considered remote control within the meaning of this definition.

§ 12.9 *Antenna structure defined.* The term "antenna structure" includes the radiating system and its supporting structures.

§ 12.10 *Aircraft landing area defined.* An aircraft landing area means any locality, either on land or water, including airports and intermediate landing fields, which is used, or approved for use, for landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for the receiving or discharging of passengers or cargo.

AMATEUR OPERATORS

LICENSES, PRIVILEGES

§ 12.20 *Classes of amateur operator licenses.*

Amateur extra, class.[1]
Advanced class [2] (previously class A).
General class [3] (previously class B).
Conditional class [3] (previously class C).
Technician class.[4]
Novice class.[4]

§ 12.21 *Eligibility for license.*[5] Persons are eligible to apply for the various classes of amateur operator licenses as follows:

(a) *Amateur extra class.* Any citizen of the United States who at any time prior to receipt of his application by the Commission has held for a period of two years or more a valid amateur operator license issued by the Federal Communications Commission, excluding licenses of the Novice and Technician Classes.

(b) *Advanced class.* Any citizen of the United States who at any time prior to receipt of his application by the Commission, has held for a period of a year or more an amateur operator license issued by the Federal Communications Commission, excluding licenses of the Novice and Technician Classes. New Advanced Class amateur operator licenses will not be issued after December 31, 1952. However, Advanced Class (or Class A) licenses may continue to be renewed as set forth in § 12.27.

(c) *General class.* Any citizen of the United States.

(d) *Conditional class.* Any citizen of the United States whose actual residence and amateur station location are more than 125 miles air line distant from the nearest location at which examinations are held at intervals of not more than 3 months for General Class amateur operator license; or who is shown by physician's certificate to be unable to appear for examination because of protracted disability; or who is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(e) *Technician class.* Any citizen of the United States.

(f) *Novice class.* Any citizen of the United States except a former holder of an amateur license of any class issued by any agency of the United States government, military or civilian.

§ 12.22 *Application for amateur operator license.* The application for any new amateur operator license, including application for any change in operating privileges, shall be submitted in person or by mail to the district field office of the Commission at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. If the application is for a license which is obtained upon successful completion of an examination by volunteer examiners under the special provisions of § 12.44 (c), the application shall be submitted to the district field office which supplied the examination material. Applications for renewal or modification of license, or for duplicate license, when no change in operating privileges is involved, shall be filed directly with the Commission at its Washington 25, D. C. office.

§ 12.23 *Classes and privileges of amateur operator licenses* [4]—(a) *Amateur extra class.* All authorized amateur privileges including such additional privileges in both communication and technical phases of the art which the Commission may consider as appropriately limited to holders of this class of license.

(b) *Advanced class.* All amateur privileges except those which may be reserved to holders of the Amateur Extra Class license.

(c) *General and conditional classes.* All authorized amateur privileges except the use of radiotelephony on the frequency bands 3800 to 4000 kilocycles, and 14200 to 14300 kilocycles, and except those which may be reserved to holders of the Amateur Extra Class license.

(d) *Technician class.* All authorized amateur privileges in the amateur frequency bands above 220 megacycles.

(e) *Novice class.* Those amateur privileges as designated and limited as follows:

(1) The d. c. plate power input to the vacuum tube or tubes supplying power to the antenna shall not exceed 75 watts.

(2) Only the following frequency bands and types of emission may be used, and the emissions of the transmitter must be crystal-controlled:

(i) 3700 to 3750 kilocycles, radiotelegraphy using only type A1 emission in accordance with the geographical restrictions set forth in § 12.111 (a) (2) (i).

(ii) 26.960 to 27.230 Mc., radiotelegraphy using only type A1 emission.

(iii) 145 to 147 megacycles, radiotelegraphy or radiotelephony using any type of emission except pulsed emissions and type B emission.

§ 12.25 *Availability of operator license.* The original operator license of each operator shall be kept in the personal possession of the operator while operating an amateur station. When operating an amateur station at a fixed location, however, the license may be posted in a conspicuous place in the room occupied by the operator. The license shall be available for inspection by any authorized Government official whenever the operator is operating an amateur station and at other times upon request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost or destroyed, and application has been made for a duplicate license in accordance with § 12.26. No recognition shall be accorded to any photocopy of an operator license; however, nothing in this section shall be construed to prohibit the photocopying, for other purposes, of any amateur radio operator license.

§ 12.26 *Duplicate license.* Any licensee applying for a duplicate license to replace an original which has been lost, mutilated, or destoyed, shall submit with the application the mutilated license or a statement setting forth the facts regarding the manner in which the original license was lost or destroyed.

[1] This class of operator license will become available to qualified applicants January 1, 1952.

[2] This class of license is the same as the Class A with change of name only. It (and the Class A) may be renewed as long as the holder to whom it was issued meets the renewal requirements current at the time renewal is applied for. New Advanced Class (or Class A) amateur operator licenses will not be issued after December 31, 1952.

[3] This class of operator license will become effective March 1, 1951.

[4] This class of license will become available to qualified applicants July 1, 1951.

[5] For effective dates of the various classes of operator licenses, see footnotes 1 through 4.

If, subsequent to receipt by the licensee of the duplicate license, the original license is found, either the duplicate or the original license shall be returned immediately to the Commission.

§ 12.27 *Renewal of amateur operator license.*[6] (a) An amateur operator license except the Novice Class, may be renewed upon proper application in which it is stated that the applicant has lawfully accumulated, at an amateur station licensed by the Commission, a minimum total of either 2 hours operating time during the last 3 months or 5 hours operating time during the last 12 months of the license term. Such operating time, for the purpose of renewal, shall be counted as the total of all that time between the entries in the station log showing the beginning and end of transmissions as required in § 12.136 (a), both during single transmissions and during a sequence of transmissions. The application shall, in addition to the foregoing, include a statement that the applicant can send by hand key, i. e., straight key or any other type of hand operated key such as a semi-automatic or electronic key, and receive by ear, in plain language, messages in the International Morse Code at a speed of not less than that which is required in qualifying for an original license of the class being renewed.

(b) The Novice Class license will not be renewed.

(c) The applicant shall qualify for a new license by examination if the requirements of this section are not fulfilled.

(d) The renewal application shall be accompanied by the applicant's amateur operator license, and also by his amateur station license if he holds one.

(e) Application for renewal of an amateur operator license may be filed not earlier than 120 days prior to the date of expiration and not later than a period of grace of one year after such date of expiration. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed.

(f) Renewal applications shall be governed by applicable rules in force on the date when application is filed.

§ 12.28 *Who may operate an amateur station.* An amateur radio station may be operated only by a person holding a valid amateur operator license. Such station may be operated by the licensee only in the manner and to the extent provided in his amateur operator license. Persons other than the station licensee, when operating such station, may operate it only to the extent and in the manner authorized to the licensee of the station and not exceeding the operating authority of such person's own amateur operator license. When an amateur station is used for telephony, the station licensee may permit any person to transmit by voice, provided during such transmission call signs are announced as prescribed by § 12.82 and a duly licensed amateur operator maintains actual control over the emissions, including turning the carrier on and off for each transmission and signing the station off after communication with each station has been completed.

§ 12.29 *License term.* Amateur operator licenses are normally valid for a period of 5 years from the date of issuance of a new or renewed license, except the Novice Class which is normally valid for a period of 1 year from the date of issuance. Modified and duplicate licenses shall bear the same date of expiration as the licenses for which they are modifications or duplicates.

§ 12.30 *Order of suspension.* No order of suspension of any operator's license shall take effect until 15 days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application at the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be held in abeyance until the conclusion of the hearing which shall be conducted under such rules as the Commission shall deem appropriate. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of suspension.

§ 12.31 *Proceedings.* Proceedings for the suspension of an operator's license shall in all cases be initiated by the entry of an order of suspension. Respondent will be given notice thereof together with notice of his right to be heard and to contest the proceeding. The effective date of the suspension will not be specified in the original order but will be fixed by subsequent motion of the Commission in accordance with the conditions specified above. Notice of the effective date of suspension will be given respondent, who shall send his operator license to the office of the Commission in Washington, D. C., on or before the said effective date, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

EXAMINATIONS

§ 12.41 *When examination is required.* Examination is required for the issuance of a new amateur operator license, and for a change in class of operating privileges. Credit may be given, however, for certain elements of examination as provided in § 12.46.

§ 12.42 *Examination elements.* Examinations for amateur operator privileges will comprise one or more of the following examination elements:

Element 1 (A): *Beginner's code test.* Code test at five (5) words per minute.

Element 1 (B): *General code test.* Code test at thirteen (13) words per minute.

Element 1 (C): *Expert's code test.* Code test at twenty (20) words per minute.

Element 2: *Basic amateur practice.* Amateur radio operation and apparatus, including radiotelephone and radiotelegraph.

Element 3 (A): *Basic law.* Rules and regulations essential to beginners' operation, including sufficient elementary radio theory for the understanding of those rules.

Element 3 (B): *General regulations.* Provisions of treaties, statutes, and rules and regulations affecting all amateur stations and operators.

Element 4 (A): *Advanced radiotelephone.* Technical, operational and other matter specifically applicable to the operation of amateur radiotelephone stations.

Element 4 (B): *Advanced amateur practice.* Advanced radio theory and operation as applicable to modern amateur techniques, including, but not limited to, radiotelephony, radiotelegraphy, and transmissions of energy for measurements and observations applied to propagation, for the radio control of remote objects and for similar experimental purposes.

§ 12.43 *Examination requirements.* Applicants for original licenses will be required to pass examinations as follows:

(a) *Amateur extra class.* Elements 1 (C), 2, 3 (B) and 4 (B).

(b) *Advanced class.* Elements 1 (B), 2, 3 (B) and 4 (A).

(c) *General class.* Elements 1 (B), 2 and 3 (B).

(d) *Conditional class.* Elements 1 (B), 2 and 3 (B).

(e) *Technician class.* Elements 1 (A), 2 and 3 (B).

(f) *Novice class.* Elements 1 (A) and 3 (A).

§ 12.44 *Manner of conducting examinations.* (a) The examinations for all classes of amateur operator licenses, except Conditional Class, will be conducted by an authorized Commission employee or representative at locations and at times specified by the Commission. The examinations for Conditional Class, as well as Technician and Novice Class licenses, may be conducted in accordance with the provisions of paragraph (c) of this section under one or more of the following conditions:

(1) If the applicant's actual residence and proposed amateur station location are more than 125 miles airline distance from the nearest location at which examinations are conducted by an authorized Commission employee or representative at intervals of not more than 3 months for amateur operator licenses; or

(2) If the applicant is shown by physician's certificate to be unable to appear for examination because of protracted disability; or

[6] By order dated and effective November 13, 1950, the Commission temporarily waived, to a limited extent, the requirement that all applications for renewal of an amateur operator license be accompanied by a showing that the applicant actually operated an amateur radio station or stations, in the manner and upon the occasions or for the period of time specified in section 12.27, in cases where it is shown that the applicant was unable to conduct such operation because he was on active duty in the armed forces of the United States. This order is applicable to all amateur operator licenses which expire during the period January 1 to December 31, 1951, inclusive.

(3) If the applicant is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force, or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(b) A holder of a technician or Novice Class license obtained on the basis of an examination under the provisions of paragraph (c) of this section is not required to be re-examined when changing residence and station location to within a regular examination area, nor when a new examination location is established within 125 miles of such licensee's residence and station location.

(c) Each examination for Conditional Class license, or for Technician, or Novice Class license under special conditions set forth in paragraph (a) of this section, shall be conducted and supervised by not more than two volunteer examiners, whom the Commission may designate or permit the applicant to select (not more than one examiner for the code test and not more than one examiner for the complete written examination). In the event the examiner for the code test is selected by the applicant, such examiner shall be the holder of an Extra Class, Advanced Class, or General Class of amateur operator license or shall have held, within the 5 years prior to the date of the examination, a commercial radiotelegraph operator license issued by the Commission or within that time shall have been employed in the service of the United States as the operator of a manually operated radiotelegraph station. The examiner for the written test shall be at least 21 years of age.

§ 12.45 *Additional examination for holders of Conditional Class operator licenses.* (a) The Commission may require a licensee holding a Conditional Class of operator license to appear for a General Class license examination at a location designated by the Commission. If the licensee fails to appear for the General Class examination when directed to do so, or fails to pass such examination, the Conditional Class operator license previously issued shall be subject to cancellation and, upon cancellation, a new license will not be issued for the Conditional Class privileges.

(b) Whenever the holder of a Conditional Class amateur operator license changes his actual residence or station location to a location where he would not have been eligible to apply for a Conditional Class license in the first instance, or whenever a new examining location is established in an area within which the holder of a Conditional Class amateur operator license would not have been eligible because of such examination location, to apply for a Conditional Class license such holder of Conditional Class license shall appear within 4 months thereafter at an examining location and time designated by the Commission and be examined for a General Class license. If, under such circumstances, the licensee fails to appear for the General Class examination, or fails to pass such examination, the Conditional Class license previously issued shall be subject to cancellation and, upon cancellation, a new license will not be issued for the Conditional Class privileges.

§ 12.46 *Examination credit.* (a) An applicant for a higher class of amateur operator license who holds a valid amateur operator license issued upon the basis of an examination by the Commission will be required to pass only those elements of the higher class examination that were not included in the examination for the amateur license held when such application was filed. However, credit will not be allowed for licenses issued on the basis of an examination given under the provisions of § 12.44 (c).

(b) An applicant for Amateur Advanced Class operator license will be given credit for examination element 4 (A) if within 2 years prior to the receipt of his application by the Commission he held Class A privileges or an Advanced Class license.

(c) An applicant for any class of amateur operator license, except the Extra Class, will be given credit for the telegraph code element if within 5 years prior to the receipt of his application by the Commission he held a commercial radiotelegraph first or second class operator license issued by the Federal Communications Commission.

(d) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any amateur or commercial operator license.

§ 12.47 *Examination procedure.* All written portions of the examinations for amateur operator privileges shall be completed by the applicant in legible handwriting or hand printing, and diagrams shall be drawn by hand, by means of either pen and ink or pencil. Whenever the applicant's signature is required, his normal signature shall be used. Applicants unable to comply with these requirements, because of physical disability, may dictate their answers to the examination questions and the receiving code test and if unable to draw required diagrams, may dictate a detailed description essentially equivalent. If the examination or any part thereof is dictated, the examiner shall certify the nature of the applicant's disability and the name and address of the person(s) taking and transcribing the applicant's dictation.

§ 12.48 *Grading.* (a) Code tests are graded as "passed" or "failed," separately for sending and receiving tests. Failure to pass the required code test for either sending or receiving will terminate the examination.

(b) Seventy-four percent is the passing grade for written examinations. For the purpose of grading, all elements, other than elements 4 (A) and 4 (B), required in qualifying for a particular license will be considered a single examination, and elements 4 (A) and 4 (B), will be considered as separate examinations.

§ 12.49 *Eligibility for re-examination.* An applicant who fails examination for amateur operator privileges may not take another examination for such privileges within 30 days, except that this limitation shall not apply to an examination for a General Class license following an examination for a Conditional Class license.

§ 12.50 *Code test procedure.* The code test required of an applicant for amateur radio operator license, in accordance with the provisions of §§ 12.42 and 12.43, shall determine the applicant's ability to transmit by hand key (straight key or if supplied by the applicant, any other type of hand operated key such as a semi-automatic or electronic key) and to receive by ear, in plain language, messages in the International Morse Code at not less than the prescribed speed, free from omission or other error for a continuous period of at least 1 minute during a test period of 5 minutes, counting five characters to the word, each numeral or punctuation mark counting as two characters.

AMATEUR RADIO STATIONS

LICENSES

§ 12.60 *Limitation on antenna structures.* (a) No new antenna structure shall be erected for use by any station in the Amateur Radio Service, and no change shall be made in any existing antenna structure used or intended to be used by any station in the Amateur Radio Service so as to increase its over-all height above ground level, without prior approval by the Commission, in any case when either (1) the antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level, except in the case where the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet, or (2) the antenna structure proposed to be erected will exceed an over-all height of one foot above the established elevation of any landing area for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except in the case where the antenna structure does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet as a result of such mounting. Application for Commission approval, when such approval is required, shall be submitted on FCC Form No. 401–A, in triplicate.

(b) In cases where FCC Form No. 401–A is required to be filed, further details as to whether an aeronautical study and/or obstruction marking may be required, and specifications for obstruction marking when required, may be obtained from Part 17 of this chapter, "Rules Concerning the Construction, Marking, and Lighting of Antenna Towers and Supporting Structures." Information regarding requirements as to inspection of obstruction marking, recording of information regarding such inspection, and maintenance of antenna structures is also contained in Part 17.

§ 12.61 *Eligibility for amateur station license.* A license for an amateur station will be issued in response to proper application therefor to a licensed amateur operator who has made a satisfac-

tory showing of control of the transmitting station for which license is desired and of control of the specific premises upon which all of the station apparatus is to be located, at a designated fixed location. An amateur station license may be issued to an individual, not a licensed amateur operator (other than an alien or a representative of an alien or of a foreign government), who is in charge of a proposed amateur station located in approved public quarters and established for training purposes in connection with the armed forces of the United States, but not operated by the United States Government.

§ 12.62 *Eligibility of corporations or organizations to hold license.* An amateur station license will not be issued to a school, company, corporation, association, or other organization, nor for its use, except that in the case of a bona fide amateur radio organization or society, a station license may be issued to a licensed amateur operator, other than the holder of a Novice Class license, as trustee for such society.

§ 12.63 *Application for amateur station license.* (a) Each application for an amateur station license shall comply with the Commission's rules and regulations and shall be made in writing, subscribed and verified on FCC Form No. 610 (application for amateur operator and/or station license). FCC Form No. 602 should be used where the applicant is in charge of a proposed amateur station located in approved public quarters and established for training purposes in connection with the armed forces of the United States, but not operated by the United States Government.

(b) One application and all papers incorporated therein and made a part thereof shall be submitted for each amateur station license. If the application is for station license only, it shall be filed directly with the Commission at its Washington 25, D. C., office. If the application also contains application for any class of amateur operator license, it shall be filed in accordance with the provisions of § 12.22.

§ 12.64 *Location of station.* (a) Every amateur station shall have a fixed transmitter location. Only one fixed transmitter location will be authorized and will be designated on the license for each amateur station, except that when remote control is authorized, the location of the remote control position as well as the location of the remotely controlled transmitter shall be considered as fixed transmitter locations and will be so designated on the station license. Unless remote control of the transmitting apparatus is authorized, such apparatus shall be operated only by a duly licensed amateur radio operator present at the location of such apparatus.

(b) Authority for operation of an amateur station with the licensed operator on duty at a specific remote control point in lieu of the remote transmitter location may be granted upon filing an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, and provided that the following conditions are met:

(1) The remote control point as well as the remotely controlled transmitter, shall be located on premises controlled by the licensee.

(2) The remotely controlled transmitter shall be so installed and protected that it is inaccessible to other than duly authorized persons.

(3) In addition to the requirements of § 12.68 a photocopy of the amateur station license shall be posted in a conspicuous place at the location of the remotely controlled transmitter.

(4) Means shall be provided at the control point to permit the continuous monitoring of the emissions of the remotely controlled transmitter, and it shall be continuously monitored when in operation.

(5) Means shall be provided at the remote control point immediately to suspend the radiation of the transmitter when there is any deviation from the terms of the station license or from the Rules Governing Amateur Radio Service.

(6) In the event that operation of an amateur transmitter from a remote control point by radio is desired, an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, should be submitted with a letter requesting authority to operate in such a manner stating that the controlling transmitter at the remote location will operate within amateur frequency bands 420 megacycles or higher and that there will be full compliance with § 12.64 (b), subparagraphs (1) through (5). Supplemental statements and diagrams should accompany the application and show how radio remote control will be accomplished and what means will be employed to prevent unauthorized operation of the transmitter by signals other than those from the controlling unit. There should be included complete data on control channels, relays and functions of each, directional antenna design for the transmitter and receiver in the control circuit, and means employed for turning on and off the main transmitter from the remote control location.

(c) An amateur transmitter may be operated from a remote control point in lieu of the remote transmitter location without special authorization by the Commission when there is direct mechanical control or direct electrical control by wired connections of the transmitter from a point located in the same or closely adjoining building or structure provided there is full compliance with the conditions set forth in § 12.64 (b), subparagraphs (1) through (5).

§ 12.65 *License period.* The license for an amateur station is normally valid for a period of 5 years from the date of issuance of a new or renewed license except that an amateur station license issued to the holder of a Novice Class amateur operator license is normally valid for a period of 1 year from the date of issuance. Any modified or duplicate license shall bear the same expiration date as the license for which it is a modification or duplicate.

§ 12.66 *Authorized apparatus.* An amateur station license authorizes the use under control of the licensee of all transmitting apparatus at the fixed location specified in the station license which is operated on any frequency, or frequencies allocated to the amateur service, and in addition authorizes the use, under control of the licensee, of portable and mobile transmitting apparatus operated at other locations.

§ 12.67 *Renewal of amateur station license.* (a) An amateur station license may be renewed upon proper application filed not earlier than 120 days prior to the date of expiration and not later than a period of grace of one year after such date of expiration. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. This one year period of grace shall apply only to licenses expiring on or after January 1, 1951.

(b) The renewal application shall be accompanied by the applicant's amateur station license, and also by his amateur operator license if he holds one.

(c) Renewal applications shall be governed by applicable rules in force on the date when application is filed.

§ 12.68 *Availability of station license.* The original license of each amateur station or a photocopy thereof shall be posted in a conspicuous place in the room occupied by the licensed operator while the station is being operated at a fixed location or shall be kept in his personal possession. When the station is operated at other than a fixed location, the original station license or a photocopy thereof shall be kept in the personal possession of the station licensee (or a licensed representative) who shall be present at the station while it is being operated as a portable or mobile station. The original station license shall be available for inspection by any authorized Government official at all times while the station is being operated and at other times upon request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost, or destroyed, and application has been made for a duplicate license in accordance with § 12.26.

§ 12.69 *Revocation of station license.* Whenever the Commission shall institute a revocation proceeding against the holder of any radio station license under section 312 (a) of the Communications Act of 1934, as amended, it shall initiate said proceeding by serving upon said licensee an order of revocation effective not less than 15 days after written notice thereof is given the licensee. The order of revocation shall contain a statement of the grounds and reasons for such proposed revocation and a notice of the licensee's right to be heard by filing with the Commission a written request for hearing within 15 days after receipt of said order. Upon filing of such written request for hearing by said licensee the order of revocation shall stand suspended and the Commission will set a time and place for hearing and shall give the

licensee and other interested parties notice thereof. If no request for hearing on any order of revocation is made by the licensee against whom such an order is directed within the time hereinabove set forth, the order of revocation shall become final and effective, without further action of the Commission. When any order of revocation has become final, the person whose license has been revoked shall forthwith deliver the station license in question to the Engineer in Charge of the district in which the licensee resides.

§ 12.70 *Modification of station license.* (a) Whenever the Commission shall determine that public interest, convenience, and necessity would be served, or any treaty ratified by the United States will be more fully complied with, by the modification of any radio station license either for a limited time, or for the duration of the term thereof, it shall issue an order for such licensee to show cause why such license should not be modified.

(b) Such order to show cause shall contain a statement of the grounds and reasons for such proposed modification, and shall specify wherein the said license is required to be modified. It shall require the licensee against whom it is directed to be and appear at a place and time therein named, in no event to be less than 30 days from the date of receipt of the order to show cause why the proposed modification should not be made and the order of modification issued.

(c) If the licensee against whom the order to show cause is directed does not appear at the time and place provided in said order, a final order of modification shall issue forthwith.

CALL SIGNS

§ 12.81 *Assignment of call sign.* (a) The call signs of amateur stations will be assigned systematically by the Commission with the following exceptions:

(1) A specific unassigned call sign may be reassigned to the most recent holder thereof;

(2) A specific unassigned call sign may be assigned to a previous holder if not under license during the past 5 years;

(3) A specific unassigned call sign may be assigned to an amateur organization in memoriam to a deceased member and former holder thereof;

(4) A specific call sign may be temporarily assigned to a station connected with an event, or events, of general public interest;

(5) An unassigned "two-letter call sign" (a call sign having two letters following the numeral) may be assigned to a previous holder of a two-letter call sign the prefix of which consisted of not more than a single letter.

(b) An amateur call sign will consist of a sequence of one or two letters, a numeral designating the call sign area, and two or three letters. The call sign areas are as follows:

No.
1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.
2. New York, New Jersey.
3. Pennsylvania, Delaware, Maryland, District of Columbia.
4. Virginia, North and South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Puerto Rico and Virgin Islands.
5. Mississippi, Louisiana, Arkansas, Oklahoma, Texas, New Mexico.
6. California, Hawaii and Pacific possessions except those included in area 7.
7. Oregon, Washington, Idaho, Montana, Wyoming, Arizona, Nevada, Utah, Alaska and adjacent islands.
8. Michigan, Ohio, West Virginia.
9. Wisconsin, Illinois, Indiana.
0. Colorado, Nebraska, North and South Dakota, Kansas, Minnesota, Iowa, Missouri.

§ 12.82 *Transmissions of call signs.* (a) An operator of an amateur station shall transmit the call sign of the station called or being worked and the call sign assigned the station which he is operating at the beginning and end of each transmission and at least once every 10 minutes during every transmission of more than 10 minutes' duration. In the case of stations conducting an exchange of several transmissions in sequence, with each transmission less than 3 minutes' duration, the call signs of the communicating stations need be transmitted only once every 10 minutes of operation as well as at the beginning and at the termination of the correspondence.

(b) In addition to complying with the requirements of paragraph (a) of this section, an operator of an amateur station operated as a portable or mobile station using radiotelegraphy shall transmit immediately after the call sign of such station, the fraction-bar character ($\overline{DN}$) followed by the number of the amateur call sign area in which the portable or mobile amateur station is then being operated, as for example:

Example 1. Portable or mobile amateur station operating in the third amateur call sign area calls a fixed amateur station: W1ABC W1ABC W1ABC DE W2DEF $\overline{DN}$ 3 W2DEF $\overline{DN}$ 3 W2DEF $\overline{DN}$ 3 $\overline{AR}$.

Example 2. Fixed amateur station answers the portable or mobile amateur station: W2DEF W2DEF W2DEF DE W1ABC K.

Example 3. Portable or mobile amateur station calls a portable or mobile amateur station: W3GHI W3GHI W3GHI DE W4JKL $\overline{DN}$ 4 W4JKL $\overline{DN}$ 4 W4JKL $\overline{DN}$ 4 $\overline{AR}$.

When telephony is used, the call sign of the station shall be preceded by the words "this is" or the word "from" instead of the letters "de," followed by an announcement of the geographical location in which the portable or mobile station is being operated.

Example 4. Portable or mobile amateur radiotelephone station operating in the third call area calls a fixed amateur station: W1ABC W1ABC W1ABC "this is" or the word "from" W2DEF W2DEF W2DEF operating portable (or mobile) 3 miles north of Bethesda, Md., over.

(c) When telephony is used, the transmission of call signs prescribed by paragraphs (a) and (b) of this section may be made by the person transmitting by voice in lieu of a duly licensed operator provided the licensed operator maintains the control required by § 12.28.

(d) When using telephony, phonetic aids to identify the call sign of the station may be employed.

(e) In addition to complying with the requirements of paragraph (a) of this section, an operator of an amateur station operated as a mobile station aboard a vessel on the high seas, or aboard an aircraft en route on an international voyage, shall, when the vessel or aircraft is outside the 10 call sign areas prescribed by the Commission in § 12.81 (b), comply with the following calling procedure:

(1) Mobile operations aboard a vessel.

(i) When using telegraphy the amateur operator shall transmit immediately after the call sign of the station the fraction bar $\overline{DN}$ followed by the designator MM to indicate that the station is being operated as a mobile station aboard a vessel. In addition, the name of the vessel and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel shall be transmitted in lieu of the name of the vessel.

(ii) When using telephony the call sign of the station shall be preceded by the words "this is", or the word "from" followed by the words "maritime mobile", to indicate that the station is being operated as a mobile station aboard a vessel. In addition the name of the vessel and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel shall be transmitted in lieu of the name of the vessel.

(2) Mobile operations aboard aircraft.

(i) When using telegraphy the amateur operator shall transmit immediately after the call sign of the station the fraction bar $\overline{DN}$ followed by the designator AM to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

(ii) When using telephony the call sign of the station shall be preceded by the words "this is", or the word "from" followed by the words "aeronautical mobile", to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

PORTABLE AND MOBILE STATIONS

§ 12.91 *Requirements for portable and mobile operation.* (a) Within the continental limits of the United States, its territories, or possessions, an amateur station may be operated as either a portable or a mobile station on any frequency authorized and available for the amateur radio service. Whenever portable operation is, or is likely to be, for an over-all period in excess of 48 hours away from the fixed transmitter location designated in the station license, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which such portable operation is intended. This notice is required even though the station is, or is likely to be, operated during any part of this over-all period at the fixed transmitter location. Whenever mobile operation is, or is likely to be, for a period

in excess of 48 hours without return to the fixed transmitter location designated in the station license, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which such mobile operation is intended. The notice required for either portable or mobile operation shall state the station call sign, the name of the licensee, the date or dates of proposed operation and the contemplated portable station locations, or mobile station itinerary, as specifically as possible. An amateur station operated under the provisions of this section shall not be operated during any period exceeding one month away from the fixed station location designated in the station license without giving additional notice to the Engineer in Charge of the radio inspection district in which the station is intended to be further operated, nor for more than four consecutive periods of 1 month each as portable at the same location. Mobile operation without return to the fixed transmitter location may be continued beyond the four consecutive periods of 1 month each provided that the above mentioned notice of mobile operation is given each month.

(b) Outside the continental limits of the United States, its territories or possessions, an amateur station may be operated as portable or mobile only in the amateur band 28.0 to 29.7 Mc. Within areas under the jurisdiction of a foreign government, operation is also limited to this band and then only with the permission of that government. Whenever such portable or mobile operation is, or is likely to be, for a period in excess of 48 hours away from the continental limits of the United States, its territories, or possessions, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which the fixed transmitter site designated in the station license is located. Only one such notice shall be required during any continued absence from the continental limits of the United States, its territories, or possessions.

§ 12.93 *Special provisions for nonportable stations.* The specific provisions of these rules relative to portable stations are not applicable to a nonportable station except that—

(a) An amateur station that has been moved from one permanent location to another permanent location may be operated at the latter location, in accordance with the provisions governing portable stations (including notice to the Engineer in Charge of the district in which the station is located) for a period not exceeding four consecutive months, but in no event beyond the expiration date of the license, provided a formal application for modification of license to change the permanent location has been filed with the Commission.

(b) The licensee of an amateur station who changes residence temporarily and moves his amateur station to a temporary location associated with his temporary residence, or the licensee-trustee for an amateur radio society which changes the normal location of its amateur station to a different and temporary location may use the station at the temporary location if the station is to remain there for a period of not more than 4 months and the following requirements are met:

(1) Advance notice in writing shall be given by the amateur station licensee or licensee-trustee to the Commission in Washington, D. C., and to the Engineer in Charge of the district in which the station is to be temporarily operated.

(2) Similar notice shall be given for each change in station location and for transfer of the station to the former permament location, or to a new permanent location before the transmitting apparatus is operated.

(c) When the station is operated under the provisions of this section the calling procedure specified in § 12.82 shall be used, including transmissions of the fractional bar character when telegraphy is used followed by the number of the amateur call sign area in which the station is being operated. When telephony is used, an announcement shall be made of the geographical location in which the station is being operated.

§ 12.94 *Special provisions for mobile stations aboard ships or aircraft.* In addition to complying with all other applicable rules, an amateur mobile station operated on board a ship or aircraft must comply with all of the following special conditions: (a) The installation and operation of the amateur mobile station shall be approved by the master of the ship or captain of the aircraft; (b) The amateur mobile station shall be separate from and independent of all other radio equipment, if any, installed on board the same ship or aircraft; (c) The electrical installation of the amateur mobile station shall be in accord with the rules applicable to ships or aircraft as promulgated by the appropriate government agency; (d) The operation of the amateur mobile station shall not interfere with the efficient operation of any other radio equipment installed on board the same ship or aircraft; and (e) The amateur mobile station and its associated equipment, either in itself or in its method of operation, shall not constitute a hazard to the safety of life or property.

USE OF AMATEUR STATIONS

§ 12.101 *Points of communications.* An amateur station may be used to communicate only with other amateur stations, except that in emergencies or for test purposes it may also be used temporarily for communication with other classes of stations licensed by the Commission, and with United States Government stations. Amateur stations may also be used to communicate with any radio station other than amateur which is authorized by the Commission to communicate with amateur stations. Amateur stations may be used also for transmitting signals, or communications, or energy, to receiving apparatus for the measurement of emissions, temporary observation of transmission phenomena, radio control of remote objects, and for similar experimental purposes and for the purposes set forth in § 12.106.

§ 12.102 *No remuneration for use of station.* An amateur station shall not be used to transmit or receive messages for hire, nor for communication for material compensation, direct or indirect, paid or promised.

§ 12.103 *Broadcasting prohibited.* Subject to the provisions of § 12.106, an amateur station shall not be used to engage in any form of broadcasting, that is, the dissemination of radio communications intended to be received by the public directly or by the intermediary of relay stations, nor for the retransmission by automatic means of programs or signals emanating from any class of station other than amateur. The foregoing provision shall not be construed to prohibit amateur operators from giving their consent to the rebroadcast by broadcast stations of the transmissions of their amateur stations, provided, that the transmissions of the amateur stations shall not contain any direct or indirect reference to the rebroadcast.

§ 12.104 *Radiotelephone tests.* The transmission of music by an amateur station is forbidden. However, single audiofrequency tones may be transmitted for test purposes of short duration for the development and perfection of amateur radiotelephone equipment.

§ 12.105 *Codes and ciphers prohibited.* The transmission by radio of messages in codes or ciphers in domestic and international communications to or between amateur stations is prohibited. All communications regardless of type of emission employed shall be in plain language except that generally recognized abbreviations established by regulation or custom and usage are permissible as are any other abbreviations or signals where the intent is not to obscure the meaning but only to facilitate communications.

§ 12.106 *One-way communications.* In addition to the experimental one-way transmissions permitted by § 12.101, the following kinds of one-way communications, addressed to amateur stations, are authorized and will not be construed as broadcasting: (a) Emergency communications, including bona-fide emergency drill practice transmissions; (b) Information bulletins consisting solely of subject matter having direct interest to the amateur radio service as such; (c) Round-table discussions or net-type operations where more than two amateur stations are in communication, each station taking a turn at transmitting to other station(s) of the group; and (d) Code practice transmissions intended for persons learning or improving proficiency in the International Morse Code.

ALLOCATION OF FREQUENCIES [3]

§ 12.111 *Frequencies and types of emission for use of amateur stations.* (a) Subject to the limitations and re-

[3] The assignment and use of all frequencies below 25 megacycles contained in these regulations are subject to change in accordance with the Commission's final report of allocations below 25 megacycles, in Docket Proceeding No. 6651.

strictions set forth in this section and in § 12.114, the following frequency bands and types of emissions are allocated and available for amateur station operation as follows:

(1) 1800 to 2000 kc and 2006 to 2050 kc. Use of this band by amateur radio stations is restricted as follows:

(i) 1800 to 2000 kc. Use of this band is on a shared basis with the Loran system of radio navigation. In any particular area the Loran system of radio navigation operates either on 1850 or 1950 kc, the band occupied being 1800 to 1900 or 1900 to 2000 kc. The amateur service may use in any area whichever bands, 1800 to 1825 and 1875 to 1900 kc, or 1900 to 1925 and 1975 to 2000 kc, are not required for Loran in that area, in accordance with the following limitations and conditions:

(*a*) Mississippi River to East Coast U. S. (except Florida and states bordering Gulf of Mexico): 1800 to 1825 kc and 1875 to 1900 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 500 watts day, 200 watts night.

(*b*) Mississippi River to West Coast U. S. (except states bordering Gulf of Mexico): 1900 to 1925 kc and 1975 to 2000 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 500 watts day, 200 watts night, except in the State of Washington where daytime power is limited to 200 watts and nighttime power to 50 watts.

(*c*) Florida and states bordering Gulf of Mexico: 1800 to 1825 kc and 1875 to 1900 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 200 watts day, no operation at night.

(*d*) Puerto Rico and Virgin Islands: 1900 to 1925 kc and 1975 to 2000 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 500 watts day, 50 watts night.

(*e*) Hawaiian Islands: 1900 to 1925 kc, and 1975 to 2000 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 500 watts day, 200 watts night.

(*f*) The use of these frequencies by stations in the Amateur Service shall not cause harmful interference to the Loran system of radio navigation. If an amateur station causes such interference, the station licensee shall, as directed by the Commission, immediately cease operation on the frequencies involved.

(*g*) The use of these frequencies by the Amateur Service shall not be a bar to expansion of the radio navigation (Loran) service, and such use, and the limitations and conditions of such use as set forth in this subparagraph, shall be considered temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, without hearing, whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radio navigation.

(ii) 2006 to 2050 kc. Not available for use.

(2) 3500 to 4000 kc. Use of this band is restricted to amateur radio stations as follows:

(i) 3500 to 4000 kc, using type A–1 emission, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude.

(ii) 3800 to 4000 kc, using type A3 emission and, on frequencies 3800 to 3850 kc, using narrow band frequency or phase modulation for radiotelephony, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude, subject to the further restriction that type A3 emission, or narrow band frequency or phase modulation for radiotelephony, may be used only by an amateur station which is licensed to an amateur operator holding an Amateur Extra Class or Advanced Class license and then only when operated and controlled by an amateur operator holding an Amateur Extra Class or Advanced Class license.

(3) 7000 to 7300 kc, using type A1 emission.

(4) 14000 to 14400 kc, using type A1 emission and, on frequencies 14200 to 14300 kc, type A3 emission and, on frequencies 14200 to 14250 kc, using narrow band frequency or phase modulation for radiotelephony, subject to the restriction that type A3 emission, or narrow band frequency of phase modulation for radiotelephony, may be used only by an amateur station which is licensed to an amateur operator holding an Amateur Extra Class or Advanced Class license and then only when operated and controlled by an amateur operator holding an Amateur Extra Class or Advanced Class license.

(5) 26.960 to 27.230 Mc, using AØ, A1, A2, A3, and A4 emission and also special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), subject to such interference as may result from the emissions of industrial, scientific and medical devices within 160 kc of the frequency 27.120 Mc.

(6) 28.0 to 29.7 Mc, using type A1 emission and, on frequencies 28.5 to 29.7 Mc using type A3 emission and narrow band frequency or phase modulation for radiotelephony and, on frequencies 29.0 to 29.7, using special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(7) 50.0 to 54.0 Mc, using types A1, A2, A3, and A4 emission and narrow band frequency or phase modulation for radiotelephony and, on frequencies 52.5 to 54.0 Mc, special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(8) 144 to 148 Mc, using types AØ A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(9) 220 to 225 Mc,[4] using types AØ, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), provided that until January 1, 1952, if this band is required for distance measuring equipment at certain United States gateways and Canadian border locations, amateurs within interference range of those gateways and locations shall, after publication by the Commission of an order designating the areas involved, cease to use this band, but shall be entitled in lieu thereof to use the band 235 to 240 Mc.

(10) 235 to 240 Mc, using type AØ, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques) until January 1, 1952, provided that commencing with June 9, 1948, this band may be used only as a substitute for the band 220 to 225 Mc in those cases in which the band 220 to 225 Mc may not be used, as provided in subparagraph (9) of this paragraph.

(11) 420 to 450 Mc, using types AØ, A1, A2, A3, A4, and A5 emissions and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing car-

[4] In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53′ N., on the east by longitude 105°40′ W., on the north by parallel 33°24′ N., and on the west by longitude 106°40′ W., the frequency band 220–225 Mc. is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday inclusive of each week. However, the entire frequency band 220–225 Mc. shall be applicable in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

rier shift or other frequency modulation techniques). Peak antenna power shall not exceed 50 watts in order to minimize interference to aircraft altimeters temporarily allocated to this band.

(12) 1215 to 1300 Mc, using types AØ, A1, A2, A3, A4, and A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(13) 2300 to 2450 Mc, 3300 to 3500 Mc, 5650 to 5925 Mc, 10,000 to 10,500 Mc, 21,000 to 22,000 Mc, and any frequency or frequencies above 30,000 Mc, using on these frequencies types AØ, A1, A2, A3, A4, A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), and pulse emission. Operations in the frequency bands 2300 to 2450 Mc and 5650 to 5925 Mc are subject to such interference between 2400 and 2450 Mc and between 5775 and 5925 Mc, respectively, as may result from emissions of industrial, scientific and medical devices on the frequencies 2450 and 5850 Mc, respectively.

§ 12.113 *Individual frequency not specified.* Transmissions by an amateur station may be on any frequency within any authorized amateur band. Sideband frequencies resulting from keying or modulating a carrier wave shall be confined within the authorized amateur band.

§ 12.114 *Types of emission.* (a) Type AØ emission, where not specifically designated in the bands listed in § 12.111, may be used for short periods of time when required for authorized remote control purposes or for experimental purposes. However, these limitations do not apply where type AØ emission is specifically designated.

(b) [Deleted]

(c) The use of narrow band frequency or phase modulation is subject to the conditions that the band-width of the modulated carrier shall not exceed the band-width occupied by an amplitude-modulated carrier of the same audio characteristics, and that the purity and stability of such emissions shall be maintained in accordance with the requirements of § 12.133.

EQUIPMENT AND OPERATION

§ 12.131 *Maximum authorized power.* Except on frequencies within the band 420 to 450 megacycles (where peak antenna power shall not exceed 50 watts), each amateur transmitter may be operated with a power input not exceeding 1 kilowatt to the plate circuit of the final amplifier stage of an amplifier-oscillator transmitter or to the plate circuit of an oscillator transmitter. An amateur transmitter operating with a power input exceeding 900 watts to the plate circuit shall provide means for accurately measuring the plate power input to the vacuum tube or tubes supplying power to the antenna.

§ 12.132 *Power supply to transmitter.* The licensee of an amateur station using frequencies below 144 megacycles shall use adequately filtered direct-current plate power supply for the transmitting equipment to minimize modulation from this source.

§ 12.133 *Purity and stability of emissions.* Spurious radiation from an amateur station being operated with a carrier frequency below 144 megacycles shall be reduced or eliminated in accordance with good engineering practice. This spurious radiation shall not be of sufficient intensity to cause interference in receiving equipment of good engineering design including adequate selectivity characteristics, which is tuned to a frequency or frequencies outside the frequency band of emission normally required for the type of emission being employed by the amateur station. In the case of A–3 emission, the amateur transmitter shall not be modulated to the extent that interfering spurious radiation occurs, and in no case shall the emitted carrier wave be amplitude-modulated in excess of 100 percent. Means shall be employed to insure that the transmitter is not modulated in excess of its modulation capability for proper technical operation. For the purposes of this section a spurious radiation is any radiation from a transmitter which is outside the frequency band of emission normal for the type of transmission employed, including any component whose frequency is an integral multiple or submultiple of the carrier frequency (harmonics and subharmonics), spurious modulation products, key clicks, and other transient effects, and parasitic oscillations. When using amplitude modulation on frequencies below 144 megacycles, simultaneous frequency modulation is not permitted and when using frequency modulation on frequencies below 144 megacycles simultaneous amplitude modulation is not permitted. The frequency of the emitted carrier wave shall be as constant as the state of the art permits.

§ 12.134 *Modulation of carrier wave.* Except for brief tests or adjustments and except for operation in the band 26.960 to 27.230 megacycles, an amateur radiotelephone station shall not emit a carrier wave on frequencies below 144 megacycles unless modulated for the purpose of communication.

§ 12.135 *Frequency measurement and regular check.* The licensee of an amateur station shall provide for measurement of the emitted carrier frequency or frequencies and shall establish procedure for making such measurement regularly. The measurement of the emitted carrier frequency or frequencies shall be made by means independent of the means used to control the radio frequency or frequencies generated by the transmitting apparatus and shall be of sufficient accuracy to assure operation within the amateur frequency band used.

§ 12.136 *Logs.* Each licensee of an amateur station shall keep an accurate log of station operation, including the following:

(a) The date and time of each transmission. (The date need only be entered once for each day's operation. The expression "time of each transmission" means the time of making a call and need not be repeated during the sequence of communication which immediately follows; however, an entry shall be made in the log when signing off so as to show the period during which communication was carried on.)

(b) The signature of each licensed operator who manipulates the key of a radiotelegraph transmitter or the signature of each licensed operator who operates a transmitter of any other type and the name of any person not holding an amateur operator license who transmits by voice over a radiotelephone transmitter. The signature of the operator need only be entered once in the log, in those cases when all transmissions are made by or under the supervision of the signatory operator, provided a statement to that effect also is entered. The signature of any other operator who operated the station shall be entered in the proper space for that operator's transmission.

(c) Call sign of the station called. (This entry need not be repeated for calls made to the same station during any sequence of communication, provided the time of signing off is given.)

(d) The input power to the oscillator, or to the final amplifier stage where an oscillator-amplifier transmitter is employed. (This need be entered only once, provided the input power is not changed.)

(e) The frequency band used. (This information need be entered only once in the log for all transmissions until there is a change in frequency to another amateur band.)

(f) The type of emission used. (This need be entered only once until there is a change in the type of emission.)

(g) The location of the station (or the approximate geographical location of a mobile station) at the time of each transmission. (This need be entered only once provided the location of the station is not changed. However, suitable entry shall be made in the log upon changing the location. Where operating at other than a fixed location, the type and identity of the vehicle or other mobile unit in which the station is operated shall be shown.)

(h) The message traffic handled. (If record communications are handled in regular message form, a copy of each message sent and received shall be entered in the log or retained on file at the station for at least 1 year.)

§ 12.137 *Retention of logs.* The log shall be preserved for a period of at least 1 year following the last date of entry. The copies of record communications and station log required by § 12.136 shall be available for inspection by authorized representatives of the Commission.

SPECIAL CONDITIONS

§ 12.151 *Additional conditions to be observed by licensee.* In all respects not specifically covered by these regulations each amateur station shall be operated in accordance with good engineering and good amateur practice.

§ 12.152 *Restricted operation.* (a) If the operation of an amateur station causes general interference to the reception of transmissions from stations operating in the domestic broadcast service when receivers of good engineering design including adequate selectivity characteristics are used to receive such transmissions and this fact is made known to the amateur station licensee, the amateur station shall not be operated during the hours from 8 p. m. to 10:30 p. m., local time, and on Sunday for the additional period from 10:30 a. m. until 1 p. m., local time, upon the frequency or frequencies used when the interference is created.

(b) In general, such steps as may be necessary to minimize interference to stations operating in other services may be required after investigation by the Commission.

§ 12.153 *Second notice of same violation.* In every case where an amateur station licensee is cited within a period of 12 consecutive months for the second violation of the provisions of §§ 12.111, 12.113, 12.114, 12.132, or 12.133, the station licensee, if directed to do so by the Commission, shall not operate the station and shall not permit it to be operated from 6 p. m. to 10:30 p. m., local time, until written notice has been received authorizing the resumption of full-time operation. This notice will not be issued until the licensee has reported on the results of tests which he has conducted with at least two other amateur stations at hours other than 6 p. m. to 10:30 p. m., local time. Such tests are to be made for the specific purposes of aiding the licensee in determining whether the emissions of the station are in accordance with the Commission's rules. The licensee shall report to the Commission the observations made by the cooperating amateur licensees in relation to the reported violations. This report shall include a statement as to the corrective measures taken to insure compliance with the rules.

§ 12.154 *Third notice of same violation.* In every case where an amateur station licensee is cited within a period of 12 consecutive months for the third violation of §§ 12.111, 12.113, 12.114, 12.132 or 12.133, the station licensee if directed by the Commission, shall not operate the station and shall not permit it to be operated from 8 a. m. to 12 midnight, local time, except for the purposes of transmitting a prearranged test to be observed by a monitoring station of the Commission to be designated in each particular case. The station shall not be permitted to resume operation during these hours until the licensee is authorized by the Commission, following the test, to resume full-time operation. The results of the test and the licensee's record shall be considered in determining the advisability of suspending the operator license or revoking the station license, or both.

§ 12.155 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer direct to the office of the Commission originating the official notice: *Provided, however,* That if an answer cannot be sent nor an acknowledgment made within such 3-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the notice of violation relates to some lack of attention or improper operation of the transmitter, the name of the operator in charge shall be given.

§ 12.156 *Operation in emergencies.* In the event of widespread emergency conditions affecting domestic communication facilities, the Commission may confer with representatives of the amateur service and others, and if deemed advisable, declare that a state of general communications emergency exists, designating the area or areas concerned (normally not exceeding 1,000 miles from center of the affected area), whereupon it shall be incumbent upon each amateur station in such area or areas to observe the following restrictions for the duration of such emergency:

(a) Transmissions, other than those relating to relief work or other emergency service, such as amateur station networks can provide, shall not be made within the 1750–2050-kilocycle or 3500–4000-kilocycle bands. Incidental calling, testing and working, including casual conversion or remarks not pertinent or necessary to constructive handling of the emergency situation shall be prohibited.

(b) Frequencies within the bands 2025–2050-kilocycle, 3500–3525-kilocycle and 3975–4000-kilocycle shall be reserved for emergency calling channels, for initial calls from isolated stations or first calls concerning very important emergency relief matters or arrangements. All stations having occasion to use such channels shall change, as quickly as possible, to other frequencies for carrying on their communications.

(c) A 5-minute listening period for the first 5 minutes of each hour shall be uniformly observed for initial calls of major importance, both in the designated emergency calling channels and throughout the 1750–2050-kilocycle and 3500–4000-kilocycle bands. Only stations isolated or engaged in handling official traffic of the highest priority may continue with transmissions in these listening periods. No replies to calls or resumption of routine traffic shall be made in the 5-minute listening periods.

(d) The Commission may designate certain amateur stations to assist in promulgation of its emergency announcement, to police the 1750–2050-kilocycle and 3500–4000-kilocycle bands and to warn noncomplying stations observed to be operating therein. The operators of these observing stations shall report fully to the Commission the identity of any stations failing to comply, after notice, with any of the pertinent provisions of this section. Such designated stations will act in an advisory capacity when able to provide information on emergency circuits. Their policing authority shall be limited to the transmission of information from responsible official sources, and full reports of noncompliance which may serve as a basis for investigation and action under section 502 of the Communications Act. Such policing authority shall apply only to the 1750–2050-kilocycle and 3500–4000-kilocycle bands. Individual policing transmissions shall refer to this section of the rules by number (§ 12.156) and shall specify briefly and concisely the date of the Commission's declaration and the area and nature of the emergency. Policing observer station shall not enter into discussions with other stations beyond the furnishing of essential facts relative to the emergency.

(e) The special conditions imposed under this section will cease to apply only after the Commission shall have declared such emergency to be terminated.

§ 12.157 *Obscenity, indecency, profanity.* No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

§ 12.158 *False signals.* No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

§ 12.159 *Unidentified communications.* No licensed radio operator shall transmit unidentified radio communications or signals.

§ 12.160 *Interference.* No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

§ 12.161 *Damage to apparatus.* No licensed radio operator shall willfully damage, or cause or permit to be dam-

aged, any radio apparatus or installation in any licensed radio station.

§ 12.162 *Fraudulent licenses.* No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator license by fraudulent means.

APPENDIX

EXAMINATION POINTS

Examinations for amateur radio operator licenses are conducted at the Commission's office in Washington, D. C., Monday through Friday, except holidays (office hours are from 8:30 a. m. to 5 p. m.), and at each radio district office of the Commission on the days designated by the Engineer in Charge of the office. Specific dates should be obtained from the Engineer in Charge. For a list of such offices see the following pages.

Examinations are also given frequently, by appointment, at the Commission's offices at the following points:

Mobile, Ala.	Tampa, Fla.
Savannah, Ga.	Juneau, Alaska.
San Diego, Calif.	Anchorage, Alaska.

Examinations are also given at greater intervals at the places named below, which are visited for that purpose by Commission examiners from the district offices for such locations. For current schedules, exact time, place, and other details, inquiry should be addressed to the office conducting examinations at the chosen point.

QUARTERLY POINTS

Birmingham, Ala.	Nashville, Tenn.
Charleston, W. Va.	Oklahoma City, Okla.
Cincinnati, Ohio.	Omaha, Nebr.
Cleveland, Ohio.	Phoenix, Ariz.
Columbus, Ohio.	Pittsburgh, Pa.
Corpus Christi, Tex.	St. Louis, Mo.
Davenport, Iowa.	Salt Lake City, Utah.
Des Moines, Iowa.	San Antonio, Tex.
Fort Wayne, Ind.	Schenectady, N. Y.
Fresno, Calif.	Sioux Falls, S. Dak.
Grand Rapids, Mich.	Syracuse, N. Y.
Indianapolis, Ind.	Tulsa, Okla.
Jackson, Miss.	Williamsport, Pa.
Knoxville, Tenn.	Winston-Salem, N. C.
Little Rock, Ark.	
Memphis, Tenn.	
Milwaukee, Wis.	

SEMIANNUAL

Albuquerque, N. Mex.	Louisville, Ky.
Amarillo, Tex.	Manchester, N. H.
Bakersfield, Calif.	Marquette, Mich.
Bangor, Maine.	Portland, Maine.
Boise, Idaho.	Roanoke, Va.
Butte, Mont.	Spokane, Wash.
El Paso, Tex.	Tallahassee, Fla.
Hartford, Conn.	Tucson, Ariz.
Hilo, Hawaii, T. H.	Wichita, Kans.
Jacksonville, Fla.	Wilmington, N. C.
Jamestown, N. Dak.	Wailuku, Maui, T. H.
Lihue, Kauai, T. H.	

ANNUAL

Billings, Mont.	Rapid City, S. Dak.
Cumberland, Md.	Reno, Nev.
Klamath Falls, Oreg.	Springfield, Mo.
Las Vegas, Nev.	

Arrangements have also been made, including cooperation of other Federal agencies, for classes A and B examinations in outlying areas as follows:

Alaska: United States Signal Corps stations.

Guam: District Communications Officer, United States naval station.

Hawaii: At not exceeding one point on any island, by the Engineer in Charge (Honolulu).

RADIO DISTRICTS

Radio district	Address of the engineer in charge	Territory within district	
		States, etc.	Counties
1	1600 Customhouse, Boston 9, Mass.	Connecticut	All counties.
		Maine	Do.
		Massachusetts	Do.
		New Hampshire	Do.
		Rhode Island	Do.
		Vermont	Do.
2	748 Federal Bldg., 641 Washington St., New York 14, N. Y.	New Jersey	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.
		New York	Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester.
3	Room 1005, New United States Customhouse, 2nd and Chestnut Sts., Philadelphia 6, Pa.	Delaware	New Castle.
		New Jersey	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.
		Pennsylvania	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.
4	508 Old Town Bank Bldg., Gay St. and Fallsway, Baltimore 2, Md.	Delaware	Kent and Sussex.
		District of Columbia	All.
		Maryland	All counties.
		Virginia	Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren.
		West Virginia	Barbour, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Upshur.
5	Room 402, New Post Office Bldg., Norfolk 10, Va.	North Carolina	All except district 6.
		Virginia	All except district 4.
6	411 Federal Annex, Atlanta 3, Ga.	Alabama	All except district 8.
		Georgia	All counties.
	Suboffice, P. O. Box 77, 214 Post Office Bldg., York and Bull Sts., Savannah, Ga.	North Carolina	Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey.
		South Carolina	All counties.
		Tennessee	Do.
7	P. O. Box 150, 312 Federal Bldg., Miami 1, Fla.	Florida	All except district 8.
	Suboffice, 410 P. O. Bldg., Florida Ave., Tampa 2, Fla.		
8	400 Audubon Bldg., New Orleans 16, La.	Alabama	Baldwin and Mobile.
		Arkansas	All counties.
		Florida	Escambia.
	Suboffice, 324 U. S. Courthouse and Customhouse, Mobile 10, Ala.	Louisiana	All counties.
		Mississippi	Do.
		Texas	City of Texarkana only.
9	324 U. S. Appraisers Stores Bldg., 7300 Wingate St., Houston 11, Tex.	Texas	Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, DeWitt, Duval, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Hays, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kendall, Kerr, Kinney, Kleberg, LaSalle, Lavaca, Lee, Liberty, Live Oak, Matagorda, Madison, Maverick, McMullen, Medina, Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Real, Refugio, San Augustine, San Jacinto, San Patricio, Sabine, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavala, and Tyler.
	Suboffice, P. O. Box 1527, 329 Post Office Bldg., 300 Willow St., Beaumont, Tex.		
10	P. O. Box 5238, 500 U. S. Terminal Annex Bldg., Houston, and Jackson Sts., Dallas 2, Tex.	New Mexico	All counties.
		Oklahoma	Do.
		Texas	All except district 9 and the city of Texarkana.
11	539 U. S. Post Office and Courthouse Bldg., Temple and Spring Sts., Los Angeles 12, Calif.	Arizona	All counties.
		California	Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura.
	Suboffice, 230 U. S. Customhouse and Courthouse Bldg., Union and "F" Sts., San Diego 1, Calif.	Nevada	Clark.
12	323-A Customhouse, San Francisco 26, Calif.	California	All except district 11.
		Nevada	All except Clark.
13	406 Central Bldg., 530 SW. 10th Ave., Portland 5, Oreg.	Idaho	All except district 14.
		Oregon	All counties.
		Washington	Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat.
14	801 Federal Office Bldg., Seattle 4, Wash.	Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.
		Montana	All counties.
		Washington	All except district 13.
15	521 New Customhouse, 19th St. between California and Stout Sts., Denver 2, Colo.	Colorado	All counties.
		Utah	Do.
		Wyoming	Do.
		Nebraska	Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.
		South Dakota	Butte, Custer, Fall River, Lawrence, Meade, Pennington, Shannon, Washington.

RADIO DISTRICTS—Continued

Radio district	Address of the engineer in charge	Territory within district	
		States, etc.	Counties
16	208 Uptown Post Office and Federal Courts Bldg., 5th and Washington Sts., St. Paul 2, Minn.	Minnesota	All counties.
		Michigan	Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.
		South Dakota	All except district 15.
		North Dakota	All counties.
		Wisconsin	All except district 18.
17	3200 Fidelity Building, 911 Walnut Street, Kansas City 6e, Mo.	Iowa	Do.
		Kansas	All counties.
		Missouri	Do.
		Nebraska	All except district 15.
18	246 U. S. Courthouse, 219 South Clark St., Chicago, 4, Ill.	Illinois	All counties.
		Indiana	Do.
		Iowa	Allamekee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn, Louisa, Muscatine, Scott, Washington, and Winneshiek.
		Wisconsin	Brown, Columbia, Calumet, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kewaunee, Kenosha, Lafayette, Manitowoc, Marinette, Milwaukee, Ozaukee, Oconto, Outagamie, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago.
		Kentucky	All except district 19.
19	1029 New Federal Bldg., Detroit 26, Mich.	do	Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Kenton, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe, Woodford.
		Ohio	All counties.
		Michigan	All except district 16.
		West Virginia	All except district 4.
20	328 Post Office Bldg., Ellicott and Swan Streets, Buffalo 3, N. Y.	New York	All except district 2.
		Pennsylvania	All except district 3.
21	609 Stangenwald Bldg., 119 Merchant St., Honolulu 1, T. H.	Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
22	P. O. Box 2987, 322-323 Federal Bldg., San Juan 13, P. R.	Puerto Rico. Virgin Islands.	
23	P. O. Box 1421, 7-8 Shattuck Bldg., Third and Seward Sts., Juneau, Alaska. Suboffice, 53 U. S. P. O. and Court House, P. O. Box 644, Anchorage, Alaska.	Alaska.	

EXTRACTS FROM GENERAL RADIO REGULATIONS

(Cairo revision)

ARTICLE 5—CLASSIFICATION OF EMISSIONS

SECTION 1. Emissions shall be classified below according to the purpose for which they are used, assuming their modulation or their possible keying to be only in amplitude.

1. Continuous waves:

Type Aø. Waves the successive oscillations of which are identical under fixed conditions.[1]

Type A1. Telegraphy on pure continuous waves. A continuous wave which is keyed according to a telegraph code.

Type A2. Modulated telegraphy. A carrier wave modulated at one or more audible frequencies, the audible frequency or frequencies or their combination with the carrier wave being keyed according to a telegraph code.

Type A3. Telephony. Waves resulting from the modulation of a carrier wave by frequencies corresponding to the voice, to music, or to other sounds.

Type A4. Facsimile. Waves resulting from the modulation of a carrier wave by frequencies produced at the time of the scanning of a fixed image with a view to its reproduction in a permanent form.

Type A5. Television. Waves resulting from the modulation of a carrier wave by frequencies produced at the time of the scanning of fixed or moving objects.[2]

NOTE. The band widths to which these emissions correspond are indicated in appendix 3.

2. Damped waves:

Type B. Waves composed of successive series of oscillations the amplitude of which, after attaining maximum, decreases gradually, the wave trains being keyed according to a telegraph code.

SEC. 2. In the above classification, the presence of a carrier wave is assumed in all cases. However, such carrier wave may or may not be transmitted.

This classification does not contemplate exclusion of the use, by the administrations concerned, under specified conditions, of types of waves not included in the foregoing definitions.

APPENDIX 3

TABLE OF FREQUENCY-BAND WIDTHS OCCUPIED BY THE EMISSIONS

The frequency bands necessary for the various types of transmissions, at the present state of technical development, are indicated below. This table is based solely upon amplitude modulation. For frequency or phase modulation, the band widths necessary for the various transmissions are many times greater.

Type of transmission	Total width of the band in cycles for transmission with 2 side bands
Aø. Continuous waves, no signaling.	
A1. Telegraphy, pure, continuous wave. Morse code. Baudot code. Stop-start printer.	Numerically equal to the telegraph speed in bauds for the fundamental frequency, 3 times this width for the 3d harmonic, etc. (For a code of 8 time elements (dots or blanks) per letter and 48 time elements per word, the speed in bauds shall be equal to 0.8 times the speed in words per minute.)
Scanning-type printer	300–1,000, for speeds of 50 words per minute, according to the conditions of operation and the number of lines scanned (for example, 7 or 12) (Harmonics are not considered in the above values.)
A2. Telegraphy modulated to musical frequency.	Figures appearing under A1, plus twice the highest modulation frequency.
A3. Commercial radiotelephony.	Twice the number indicated by the C. C. I. F. opinions (about 6,000 to 8,000).[1]
Broadcasting	15,000 to 20,000.
A4. Facsimile	Approximately the ratio between the number of picture components[2] to be transmitted and the number of seconds necessary for the transmission.
A5. Television	Approximately the product of the number of picture components[2] multiplied by the number of pictures transmitted per second.

[1] These waves used only in special cases, such as standard frequency emissions.

[2] "Objects" is used here in the optical sense of the word.

[1] It is recognized that the band width may be wider for multiple-channel radiotelephony and secret radiotelephony.

[2] Two picture components, one black and one white, constitute a cycle; thus, the modulation frequency equals one-half the number of components transmitted per second.

EXTRACTS FROM RADIO REGULATIONS

ANNEXED TO THE INTERNATIONAL TELECOMMUNICATION CONVENTION

(Atlantic City, 1947)

ARTICLE 42 [1]—AMATEUR STATIONS

SECTION 1. Radiocommunications between amateur stations of different countries shall be forbidden if the administration of one of the countries concerned has notified that it objects to such radiocommunications.

SEC. 2. (1) When transmissions between amateur stations of different countries are permitted they must be made in plain language and must be limited to messages of a technical nature relating to tests and to remarks of a personal character for which, by reason of their unimportance, resource to the public telecommunications service is not justified. It is absolutely forbidden for amateur stations to be used for transmitting international communications on behalf of third parties.

(2) The preceding provisions may be modified by special arrangements between the countries concerned.

SEC. 3. (1) Any person operating the apparatus in an amateur station must have proved that he is able to transmit, and to receive by ear, texts in Morse code signals. Administrations concerned may, however, waive this requirement in the case of stations making use exclusively of frequencies above 1000 (one thousand) Mc/s.

[1] Article 42 of the Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947) becomes effective on January 1, 1949 at which time it supersedes Article 8 of the General Radio Regulations, Cairo Revision, 1938).

(2) Administrations shall take such measures as they judge necessary to verify the qualifications, from a technical point of view, of any person operating the apparatus of an amateur station.

SEC. 4. The maximum power of amateur stations shall be fixed by the administrations concerned, having regard to the technical qualifications of the operators and to the conditions under which these stations must work.

SEC. 5. (1) All the general rules of the Convention and of the present Regulations shall apply to amateur stations. In particular, the transmitting frequency must be as constant and as free from harmonics as the state of technical development for stations of this nature permits.

(2) During the course of their transmissions amateur stations must transmit their call sign at short intervals.

[F. R. Doc. 51-7674; Filed, July 3, 1951; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 879]

PART 95—CAR SERVICE

REDUCED RATES ON GIANT REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of June A. D. 1951.

It appearing, that there is a shortage of refrigerator cars in California and Arizona and that certain Transcontinental Freight Bureau tariffs contain rate penalties on the use of giant type refrigerator cars, in the opinion of the Commission an emergency exists requiring immediate action in California and Arizona. It is ordered, that:

§ 95.879 *Reduced rates on giant refrigerator cars.*—(a) *Rates applicable.* Common carrier by railroad subject to the Interstate Commerce Act serving points in Arizona and California, shall furnish without regard to ownership for loading with commodities, in carloads, suitable for transportation in refrigerator cars, and shall accept and transport such commodities in giant type refrigerator cars as defined in paragraph (b) of this section, at the freight rates applicable on the same commodities when loaded in standard refrigerator cars (cars with inside length between bulkheads—loading space—of less than 37 feet 6 inches).

(b) *Giant refrigerator car defined.* For the purpose of this section, the term "giant refrigerator cars" is defined as refrigerator cars (1) with inside measurement between bulkheads (loading space) of not less than 37 feet 6 inches, and (2) convertible refrigerator cars with collapsible bunkers having inside length between bulkheads (loading space) of less than 37 feet 6 inches with bulkheads in place, and in excess of 37 feet 6 inches with bulkheads collapsed.

(c) *Cars exempt from section.* The provisions of this section shall not be construed to include the following cars:

Initial:	*Number, inclusive*
BREX-BHIX	300-329
WFEX-WHIX	400-500
FOBX	600-697
FOBX	700-799
WOBX	501-550
NHIX	900-999
PFE	100, 051-100, 500
PFE	200, 001-200, 587
URT	89, 000-89, 099

(d) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with this section is hereby suspended.

(e) *Announcement of suspension.* Each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, substantially in the form authorized in Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth in this section.

(f) *Effective date.* This section shall became effective at 12:01 a. m. June 29, 1951.

(g) *Expiration date.* This section shall expire at 11:59 p. m. July 28, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Intreprets or applies sec. 1, 24 Stat. 379, as amended, sec. 15, 24 Stat. 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7668; Filed, July 3, 1951; 8:50 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS ADMINISTRATION

[14 CFR Part 625]

NOTICE OF CONSTRUCTION OR ALTERATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following revision of Part 625 is contemplated. All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator of Civil Aeronautics in connection with the proposed revision shall send them to the Civil Aeronautics Administration, Airspace Utilization Branch, Office of Federal Airways, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

PART 625—NOTICE OF CONSTRUCTION OR ALTERATION

Sec.
625.1 Explanation of terms.
625.2 Structures requiring notice.
625.3 Structures exempt from notice.
625.4 Form and time of notice.

AUTHORITY: §§ 625.1 to 625.4 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 1101, 52 Stat. 1026, as amended; 49 U. S. C. 671.

§ 625.1 *Explanation of terms.* As used in this part:

(a) "Administrator" shall mean Administrator of Civil Aeronautics.

(b) "Alteration" shall mean any change in a completed structure which (1) increases the height of the top or any portion of the structure to, or above, the height specified in § 625.2, or (2) increases or decreases the height of the top or any portion of the structure which is above the height specified in § 625.2.

(c) "Boundary of a landing area" shall mean (1) any one of the limits of that portion of a landing area maintained for the use of land aircraft in taking off or landing or (2) any one of the limits of that portion of a landing area used for water aircraft in taking off or landing, which limits are defined as being five thousand feet in all directions measured over open water from the principal ramp of the landing area or, if marked in accordance with standard practice, the limits of the landing area so marked.

(d) "Ground level" and "mean water level" shall mean the ground level and/or mean water level at the base of the structure.

(e) "Landing area" shall mean any locality, either of land or water, including airports and intermediate landing fields, which is listed as an airport in the current issue of the Airmen's Guide [1] and is used for the landing and take-off of aircraft, whether or not facilities are provided for sheltering, servicing, or repairing aircraft, or for receiving or discharging passengers or cargo.[2]

(f) "Structure" shall mean any form of construction of a permanent or temporary character, including any ap-

[1] "Airmen's Guide" may be examined in any office of the Civil Aeronautics Administration. It is for sale by the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C., at 25¢ per copy or $6.00 per year.

[2] See section 1 (22) of the Civil Aeronautics Act of 1938 (52 Stat. 977; 49 U. S. C. 401).

paratus used in the construction, alteration, or repair of any such structure.

§ 625.2 *Structures requiring notice.* Except as otherwise provided in § 625.3, any person engaging in the construction or alteration of any of the following structures shall give notice thereof to the Administrator.

(a) Any structure along, or within twenty miles of, a civil airway, the top or any portion of which is, or may become, by reason of such construction or alteration, greater than one hundred and fifty feet above ground level, or above mean water level (where the structure is, or will be, situated in, or over, navigable water).

(b) Any structure within fifteen thousand feet of the nearest boundary of a landing area located along, or within twenty miles of, a civil airway, the top or any portion of which is, or may become, by reason of such construction or alteration, greater than five feet above ground level, or above mean water level (where the structure is, or will be, situated in or over navigable water), for each five hundred feet or fraction thereof, of the distance that such structure is, or will be, situated from the nearest boundary of a landing area.

§ 625.3 *Structures exempt from notice.* A person engaging in the construction or alteration of the following structures is not required to give notice thereof to the Administrator:

(a) Any structure located in a city, town, or settlement, where the structure, after construction or alteration, will be shielded by existing structures of a permanent and substantial character, each of which is equal to or greater than the height of the completed structure.

(b) Any structure located in a city where it is evident beyond all reasonable doubt that the structure will not interfere with safety in air commerce, whether or not the structure is, or will become, by reason of the construction or alteration, greater in height than that of surrounding structures of a permanent and substantial character.

§ 625.4 *Form and time of notice.* (a) The notice of construction or alteration shall be submitted to a representative of the Administrator in triplicate on a Form ACA–117,[3] at least thirty days, but not more than sixty days, prior to the date on which such construction or alteration is to begin: *Provided*, That in case of an emergency requiring immediate construction or alteration, such notice may be given to a representative of the Administrator in person, by telephone, by telegraph, or by other expeditious means, and the executed Form ACA–117 shall be submitted within five days thereafter.

(b) Any change in the date upon which the construction or alteration is to begin, or any other change in the data contained in the Form ACA–117 submitted in compliance with paragraph (a) of this section, shall be communicated to a representative of the Administrator on a Form ACA–117, by letter, or by telegraph.

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–7635; Filed, July 3, 1951; 8:46 a. m.]

[3] This form has been approved by the Bureau of the Budget in compliance with the Federal Reports Act. Copies of the form may be obtained from the Civil Aeronautics Administration, Washington 25, D. C., or from the nearest regional or district office of the Civil Aeronautics Administration.

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–78]

[Notice No. 2; Docket No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

JUNE 27, 1951.

The Commission is in receipt of applications for early amendment of the above entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway, as published in orders pursuant to section 835, of the Criminal Code, and Part II of the Interstate Commerce Act;

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications be disposed of by modified procedure. The reasons for the proposed amendments are shown in the appendix, hereof.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL] W. P. BARTEL,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5, Commodity list (15 F. R. 8263, Dec. 2, 1950; 16 F. R. 5322, June 6, 1951; 49 CFR 72.5, Rev. 1950) as follows:

Article	Classed as—	Exemption and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Bromacetone, liquid	Pois. A	No exemption, 73.329 (a).	Poison Gas	Not accepted.
Chlorpicrin, liquid	Pois. B	No exemption, 73.357	Poison	24 pounds.
Chlorpicrin, absorbed	do	do	do	75 pounds.
Chlorpicrin, mixtures (containing no compressed gas or poisonous liquid, class A).	do	do	do	Do.
Chlorpicrin and methyl chloride mixtures	Pois. A	No exemption, 73.329 (b).	Poison Gas	Not accepted.
Add				
Ethylene imine, inhibited	F. L.	No exemption, 73.139	Red	5 pints.
Sodium bromate	Oxy. M.	73.153, 73.154	Yellow	100 pounds.
Titanium metal powder, dry	F. S.	No exemption, 73.208	do	75 pounds.
Zirconium, metallic, solutions or mixtures thereof, liquid.	F. L.	No exemption, 73.140	Red	5 pounds.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL, EXPRESS, HIGHWAY, OR WATER

1. Amend § 73.22 paragraph (c) Table (15 F. R. 8276, Dec. 2, 1950; 49 CFR 73.22, Rev. 1950) to read as follows:

When these regulations call for specification numbers—	These specification containers may also be used—	
1A	1	Boxed carboy, glass or earthenware.
1B	1	Boxed carboy, lead.
1C	1	Carboy in keg, glass or earthenware.
3A	3, 25, 26	Cylinder
3AA	3, 25, 26	Do.
3B	26	Do.
3C	7	Do.
3D	33	Do.
3E	3	Do.
4A	26	Do.
4B	26, 38	Do.
4BA	26, 38	Do.
4C	7	Do.

2. Amend § 73.25 paragraph (a) and add paragraph (b) (15 F. R. 8277, Dec. 2, 1950; 49 CFR 73.25, Rev. 1950) to read as follows:

§ 73.25 *Specification containers in outside containers.* (a) Outside specification shipping containers containing no acids or other corrosive liquids may be shipped when tightly packed in strong outside fiberboard boxes or drums, wooden boxes, barrels or crates, or metal barrels or drums. The outside shipping container must be marked with the prescribed name of contents and labeled as required. Packages required by these regulations to be marked "This Side Up" must be packed in the outside package with their filling holes, up, and the outside package must be marked "This Side Up." The outside container must also be marked "Inside Packages Comply With Prescribed Specifications" unless the specification markings on the inside packages are visible through openings in the outside package.

(b) Outside specification shipping containers containing acids or other

corrosive liquids, except nitric acid, perchloric acid, or hydrogen peroxide solution containing over 52 percent hydrogen peroxide by weight, may be shipped when tightly packed in strong outside fiberboard or wooden boxes, or in wooden crates, provided such outside container shall not contain any other article except as provided in §§ 73.258 to 73.261. The outside container shall be marked with the prescribed name of contents and labeled as required and shall be marked "This Side Up." The outside container must also be marked "Inside Packages Comply With Prescribed Specifications" unless the specification markings on the inside packages are visible through openings in the outside package.

3. Amend § 73.31 paragraphs (a) and Table, (d), (e) and (f) (15 F. R. 8278, Dec. 2, 1950; 49 CFR 73.31, Rev. 1950) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* (a) Tanks mounted on or forming part of a car and built in compliance with the American Railway Association's specifications for tank cars prior to July 1, 1927; or built in compliance with the Commission's specifications for tanks of tank cars in force prior to the effective date of Parts 71–78 of this chapter, including tanks already constructed or under construction on the effective date hereof in compliance with trial specifications for fusion-welded tanks of tank cars are authorized for service, until further order of the Commission, as follows:

Where these regulations call for specification numbers	These specification containers may also be used
103 [4] [5]	A. R. A. II [4] [5], III [4] [5], IV [5].
103A [4]	A. R. A. II [2] [4], and III [2] [4].
103B [4]	A. R. A. II [4], and III [4], rubber lined.
104 [4]	A. R. A. IV. [4]
105A300	A. R. A. V. [2] I. C. C. 105 [3].
106A500	I. C. C. 27 cylinders mounted on or forming part of a car and classified as multi-unit tank car prior to Oct. 1, 1930. [6]
106A800	None.
107A	None.
108	Wooden tanks built and authorized prior to July 1, 1927.
108A	Wooden tanks built and authorized prior to July 1, 1927.

[No change in notes.]

* * * * *

(d) For repairs to ICC–106A or 110A type or tank or equipment (see §§ 78.275, 78.276, and 78.293 of this chapter) therefor requiring welding, the owner of the tank, or party authorized by the owner, must secure approval from the Association of American Railroads' committee on tank cars of such repairs, and the welding and stress-relieving must be the same as authorized for manufacture of tank. Tank must be retested as prescribed in paragraph (g) of this section, before being returned to service.

(e) A tank car other than of the ICC–106A or 110A (§§ 78.275, 78.276, and 78.293 of this chapter) and 107A (§ 78.277 of this chapter) type that bears evidence of damage to the metal by fire must be withdrawn from transportation service: *Provided, however,* That where the damage to the tank is local only or confined to a section not exceeding 25 percent of the tank surface, the damaged material may be replaced.

(1) Tanks of ICC–106A, 110A, and 107A (§§ 78.275, 78.276, 78.293, and 78.277 of this chapter) type exposed to the action of fire must not again be placed in service until they have been inspected inside and outside, to determine that no reduction in wall thickness has resulted, and properly heat-treated and retested. These operations must be carried out, supervised, and reported, as prescribed by these specifications for original heat-treatment and test.

(f) After alterations of tank cars or equipment therefor from original design, a certificate of compliance with the specifications, similar to that required in specifications 103, 103W, 104A, 104A–W, 105A300, 105A300W, 106A500, 107A, 108, and 110A500W (§§ 78.265, 78.280, 78.270, 78.285, 78.271, 78.286, 78.275, 78.277, 78.278, and 78.293 of this chapter), respectively, must be furnished to the car owner, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

4. Amend § 73.31 paragraph (l) Note 1 (15 F. R. 8279, Dec. 2, 1950; 49 CFR 73.31, Rev. 1950) to read as follows:

NOTE 1: Safety valves, now used on tank cars, A. R. A. classes II,[1] III,[1] and IV [1] and I. C. C. Specifications 103, 103W, 104 and 104W (§§ 78.265, 78.280, 78.269, and 78.284 of this chapter) are reported to permit slow leakage of vapor and it appears that material changes in the design and construction of these valves are necessary to make them tight. The Commission has notified the Association of American Railroads, representing the carriers, and the American Petroleum Institute, representing the shippers, that the necessary changes must be made with the least possible delay. To accomplish this result, new designs must be devised and tested experimentally, and in the meantime necessary shipments must be made in tank cars now available. Pending the accomplishment of these changes, tank cars with safety valves which permit only a slow leakage of vapor may be used.

5. Amend § 73.33 paragraph (o) (15 F. R. 8282, Dec. 2, 1950; 49 CFR 73.33, Rev. 1950) to read as follows:

(o) Each outlet of cargo tanks used for the transportation of liquefied compressed gases, except carbon dioxide, shall be provided with a suitable automatic excess-flow valve or in lieu thereof may be fitted with quick closing internal valves operated by an independent fluid medium, or with automatic valves opened by pressure from the discharge side of pump provided such valves will close automatically when pump is shut off or in the event of breakage of lines on either side of pump. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably as to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve.

[Exception remains unchanged.]

6. Amend § 73.34 paragraph (f) (15 F. R. 8283, Dec. 2, 1950; 49 CFR 73.34, Rev. 1950) to read as follows:

(f) *Safety devices.* Each cylinder containing compressed gas, unless excepted in this paragraph, must be equipped with one or more safety devices capable of preventing explosion of the normally charged cylinder when it is placed in a fire, and safety devices must be approved by the Bureau of Explosives as to type, location, and number of devices on each cylinder. Cylinders shall not be shipped with leaking safety devices. Safety devices must be tested for leaks before the charged cylinder is shipped from the cylinder filling plant; it is expressly forbidden to repair leaking fuse plug devices, where leak is through the fusible metal or between the fusible metal and the opening in the plug body, except by removal of the device and replacement of the fusible metal. Safety devices are not required on the following:

(1) Cylinders, other than those made under specification ICC–9 (§ 78.63 of this chapter) or ICC–40 (§ 78.66 of this chapter), not over 12 inches long, exclusive of neck, nor over 4½ inches outside diameter, unless containing a liquefied gas for which this part prescribes a service pressure of 1800 pounds per square inch or higher or containing a nonliquefied gas having a pressure in the cylinder of 1800 pounds per square inch or higher at 70° F.

(2) Cylinders containing nonliquefied gas under pressure of 300 pounds per square inch or less at 70° F.

(3) Cylinders containing poisonous gas or liquid as defined in § 73.326 (a).

(4) Cylinders containing fluorine, methyl mercaptan, or mono, di, or trimethylamine, anhydrous. Cylinders containing not over 10 pounds of nitrosyl chloride, or cylinders containing less than 165 pounds of anhydrous ammonia.

(5) Drums containing liquefied petroleum gas as provided for in § 73.312 (a) (5) and (6).

7. Amend § 73.34 paragraph (g) (3) (15 F. R. 8283, Dec. 2, 1950; 49 CFR 73.34, Rev. 1950) to read as follows:

(3) By change of serial numbers or ownership marks or both; before remarking, report must be filed with the Bureau of Explosives, in sufficient detail and arranged consecutively according to registered ownership symbol and serial or lot numbers, so that specification marking, previous serial number, registered ownership symbol, and original test date can be determined for each cylinder.

8. Amend § 73.34 paragraph (k) and Table (15 F. R. 8284, Dec. 2, 1950; 49 CFR 73.34, Rev. 1950) to read as follows:

(k) The tests prescribed by paragraph (j) of this section, must be (for exceptions see paragraph (k) (1) to (11) of this section):

Specification under which cylinders were made	Minimum retest pressure (pounds per square inch)
ICC-3	3,000 pounds.
ICC-3A, ICC-3AA, ICC-3D, ICC-4A, ICC-26 marked for filling at over 450 pounds.	5/3 times the service pressure. (See § 73.301 (g).)
ICC-3B, ICC-3BN, ICC-4B, ICC-4BA, ICC-26 marked for filling at 450 pounds and below.	2 times the service pressure. (See § 73.301 (g).)
ICC-3C, ICC-3E, ICC-4C, ICC-8, ICC-8AL.	Quinquennial test not required.
ICC-7 when used as authorized in § 73.312 (a) (4).	300 pounds.
ICC-7 when not used under authority of § 73.312 (a) (4).	Quinquennial test not required.
ICC-4	700 pounds.
ICC-9	400 pounds.
ICC-25, ICC-38	500 pounds.
ICC-33	800 pounds.

9. Cancel Exception (6) to paragraph (k) § 73.34 (15 F. R. 8284, Dec. 2, 1950; 49 CFR 73.34, Rev. 1950).

10. Amend Exception (7) to paragraph (k) § 73.34 (15 F. R. 8284, Dec. 2, 1950; (49 CFR 73.34, Rev. 1950) to read as follows:

(7) Cylinders made after January 1, 1920, in compliance with specification I. C. C. 4 (§ 78.48 of this chapter) may be retested decennially instead of quinquennially if the test is made at a pressure of not less than 700 pounds per square inch.

11. Amend § 73.34 paragraph (l) (15 F. R. 8284, Dec. 2, 1950; 49 CFR 73.34, Rev. 1950) to read as follows:

(l) Repair of specifications ICC-3A, 3AA, 3B, or 3C (§§ 78.36, 78.37, 78.38, or 78.40 of this chapter) cylinders by welding or brazing authorized, but only for the removal and replacement of neckrings and footrings attached to cylinders originally manufactured to conform to § 78.36-9 (a) of this chapter. Removal and replacement must be done by a regular manufacturer of this type of cylinder. After removal and before replacement of such parts, cylinders must be inspected, and defective ones rejected. Cylinders, neckrings, footrings, and method of replacement must conform to § 78.36-9 (a) of this chapter. Replacement must be followed by reheat treating, testing, inspection, and supervised and reported as prescribed by the specification covering their original manufacture. Inspector's reports must conform to § 78.36-22 (a) of this chapter and substitute the word repaired in place of manufactured. Show original markings and the new additional markings added, and statement: "Cylinders were carefully inspected for defects after removal of neckrings and footrings and after replacement, which replacement was made by process of _____." (Welding-brazing)

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.88 paragraph (b) (15 F. R. 8293, Dec. 2, 1950; 49 CFR 73.88, Rev. 1950) to read as follows:

(b) Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles or without projectiles, or shell, is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer with empty, inert-loaded, or solid projectiles, or without projectiles, which is fired from a cannon, mortar, gun, howitzer, or recoilless rifle.

2. Amend § 73.93 paragraph (d) (4) (15 F. R. 8294, Dec. 2, 1950; 49 CFR 73.93, Rev. 1950) to read as follows:

(4) Spec. 103 or 103W (§§ 78.265 or 78.280 of this chapter). Tank cars.

3. Amend § 73.94 paragraph (g) (4) (15 F. R. 8295, Dec. 2, 1950; 49 CFR 73.94, Rev. 1950) to read as follows:

(4) Spec. 103 or 103W (§§ 78.265 or 78.280 of this chapter). Tank cars.

4. Amend § 73.100 paragraph (b) (16 F. R. 5323, June 6, 1951; 49 CFR 73,100, Rev. 1950) to read as follows:

(b) Small-arms ammunition, designed to be fired from a pistol, revolver, rifle, or shotgun held by the hand or by the hand and shoulder, or machine guns of caliber less than .75, is fixed ammunition consisting of a metallic or paper cartridge case; a primer and a propelling charge, with or without bullet, shot, tear gas material, tracer componerts, or incendiary compositions or mixtures, but not including bullets loaded with high explosives.

5. Amend § 73.108 paragraph (b) (1) (15 F. R. 8297, Dec. 2, 1950; 49 CFR 73.108, Rev. 1950) to read as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden Boxes. Gross weight not to exceed 200 pounds. When Spec. 15C boxes are used, devices must be packed in air-tight inside metal containers.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Add Paragraphs (c) (13) and (c) (14) to § 73.118 (15 F. R. 8298, Dec. 2, 1950; 49 CFR 73.118, Rev. 1950) to read as follows:

(13) Ethylene imine, inhibited.

(14) Zirconium, metallic, solutions, or mixtures thereof, liquid.

2. Amend § 73.119 paragraph (f) (3) Note 3 (15 F. R. 8299, Dec. 2, 1950; 49 CFR 73.119, Rev. 1950) to read as follows:

NOTE 3: Spec. 104 or 104W (§§ 78.269 or 78.284 of this chapter) or ARA-IV[1] tank cars are authorized provided that they are equipped with approved fittings designed to provide for the loading, unloading, gauging, sampling, and taking temperature of the contents without removing the manhole closure; that safety valves are set to open at pressure of 35 pounds (with a tolerance of plus or minus 3 pounds), and are vapor tight at 28 pounds per square inch, gauge pressure; that bottom discharge outlets are of the same type as authorized for specification 104 or 104W tank cars; and that there is stenciled on each side of the tank above the specification mark, in letters and figures at least 1 inch high, "For vapor pressures not exceeding 40 pounds per square inch, absolute, at 100° F." Because of the present emergency and until further order of the Commission, spec. ICC 104 or 104W (§§ 78.269 or 78.284 of this chapter) tank cars, equipped with safety valves set to open at pressure of 85 pounds (with a tolerance of plus or minus 3 pounds) and which are vapor tight at 28 pounds per square inch, gauge pressure, are authorized provided that they are stenciled as required above.

3. Amend § 73.124 paragraph (a) (5) Note 1 (15 F. R. 8301, Dec. 2, 1950; 49 CFR 73.124, Rev. 1950) to read as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, specification ARA-IV[1] and ICC-104 and 104W (§§ 78.269 and 78.284 of this chapter) tank cars, converted as follows, are authorized for use. Tanks must be tested to 75 pounds per square inch hydrostatic pressure and show no leakage with lagging removed. Bottom discharge outlet must be removed, the opening closed with a riveted plate, and a sump applied. Safety valves must be removed and replaced by two safety valves of the type and size used on ICC-104A or 104A-W (§§ 78.270 or 78.285 of this chapter) tank cars but set to open at 60 pounds per square inch instead of 75 pounds. The various approved dome fittings now required on ICC-104A or 104A-W (§§ 78.270 or 78.285 of this chapter) tank cars must be installed in an approved manner to provide for the loading, unloading, gauging, sampling, and taking of temperature of contents without removing the manhole closure. Tank jacket must be stenciled immediately above the mark ARA-IV,[1] ICC-104, or ICC-104W (§§ 78.269 or 78.284 of this chapter) with the words "For Ethylene Oxide Only".

4. Add § 73.139 paragraph (a) (15 F. R. 8302, Dec. 2, 1950; 49 CFR 73.139, Rev. 1950) to read as follows:

§ 73.139 *Ethylene imine, inhibited.* (a) Ethylene imine must be inhibited and must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.165 or 78.169 of this chapter). Wooden boxes, with inside containers which must be securely sealed glass ampules, contents not over 100 grams each, in tightly closed metal cans. If more than one ampule is packed in a metal can, ampules must be separated by fiberboard partitions. Ampules must be cushioned in vermiculite or equally efficient incombustible cushioning material in quantity sufficient to completely absorb contents in event of breakage. Not more than 5 pints of liquid may be packed in any outside wooden box.

5. Add § 73.140 paragraph (a) (15 F. R. 8302, Dec. 2, 1950; 49 CFR 73.140, Rev. 1950) to read as follows:

§ 73.140 *Zirconium, metallic, solutions, or mixtures thereof, liquid.* (a) Zirconium, metallic, solutions, or mixtures thereof, liquid, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with inside metal containers. Each inside container shall not contain more than 15 individual glass jars, not exceeding 2-ounce capacity each, securely closed and completely cushioned in incombustible cushioning material in sufficient quantity to completely absorb the contents.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITIONS AND PREPARATION

1. Amend § 73.163 paragraphs (a) (6) and (7), (15 F. R. 8305, Dec. 2, 1950; 49

CFR 73.163, Rev. 1950) to read as follows:

(6) Chlorates wet with 10 percent or more of water are authorized for shipment in tank cars, spec. 103 or 103W (§§ 78.265 or 78.280 of this chapter), when equally distributed therein.

(7) Chlorate of soda is authorized for shipment in tank cars, spec. 103 or 103W (§§ 78.265 or 78.280 of this chapter). Cars must be thoroughly cleaned before loading.

2. Amend § 73.176 paragraph (g) and cancel paragraph (g) (1), (15 F. R. 8306, Dec. 2, 1950; 49 CFR 73.176, Rev. 1950) to read as follows:

(g) Matches, strike-on-box, book and card, must be packed in outside fiberboard or wooden boxes. They may be packed in the same outside container with nonflammable articles when compactly packed in tightly closed inside containers or securely wrapped so as to prevent accidental ignition. When so packed, they are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway. When for transportation by carrier by water, they are exempt from specification packaging and labeling requirements, but each outside container shall be marked "Book Matches", "Strike-On-Box Matches", or "Card Matches", as the case may be.

3. Amend § 73.206 paragraph (c) (1) (15 F. R. 8310, Dec. 2, 1950; 49 CFR 73.206, Rev. 1950) to read as follows:

(1) Spec. 105A300 or 105A300W (§§ 78.271 or 78.286 of this chapter.) Tank cars, having exterior heater coils fusion welded to tank shell and properly stress-relieved, the material to be in molten condition when loaded into the tank and allowed to solidify before car is offered to the carrier.

4. Amend § 73.208 paragraph (a) and add paragraph (b) (15 F. R. 8311, Dec. 2, 1950; 49 CFR 73.208, Rev. 1950) to read as follows:

§ 73.208 *Titanium metal powder, wet or dry*—(a) *Titanium metal powder, wet.* Titainum metal powder, wet, with not less than 20 percent water, must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with inside metal can of not less than 22-gauge, not to exceed 10 gallons capacity, tightly and securely closed. Not more than one such inside container may be packed in one outside container.

(b) *Titanium metal powder, dry.* Titanium metal powder, dry, must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter.) Wooden boxes with inside metal containers, tightly and securely closed by push-in covers, held in place by soldering at least four joints, or in screw-cap metal cans. Inside containers must not exceed 10 pounds net each. Inside containers must be cushioned by incombustible material such as rock wool or asbestos wool. Gross weight of outside package must not exceed 75 pounds each.

(2) Spec. 17H or 37D (§§ 78.118 or 78.125 of this chapter). Metal barrels or drums (single-trip) with inside metal drum of not less than 20-gauge metal and with closure secured by positive means. The inside container shall be completely surrounded by not less than one inch of incombustible cushioning material.

5. Amend § 73.227 paragraph (a) (2) (16 F. R. 5325, June 6, 1951; 49 CFR 73.227, Rev. 1950) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums completely coated on the inside with a suitable wax, synthetic coating, or metal foil suitable to the lading; or fiber drums having a metal foil (laminated between two sheets of kraft paper with thermoplastic adhesive) moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by §§ 78.222–4 or 78.223–4 of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Add paragraphs (a) (9) and (a) (10) to § 73.245 (15 F. R. 8313, Dec. 2, 1950; 49 CFR 73.245, Rev. 1950) to read as follows:

(9) Spec. 5D (§ 78.84 of this chapter). Rubber lined metal barrels or drums. Any barrel or drum that shows evidence of damage must be tested before shipment for defects in lining in the manner prescribed in § 78.84–15 (a) of this chapter.

(10) Spec. 5H (§ 78.87 of this chapter). Lead-lined metal barrels or drums.

2. Amend § 73.246 paragraph (a) (1) (15 F. R. 8313, Dec. 2, 1950; 49 CFR 73.246, Rev. 1950) to read as follows:

(1) Spec. 3A150, 3AA150, 3E1800, 3B240, 4B240, or 4BA240 (§§ 78.36, 78.37, 78.42 78.38, 78.50, or 78.51 of this chapter). Cylinders closed by means of iron or steel threaded plugs.

3. Amend § 73.247 paragraph (a) (6) (15 F. R. 8314, Dec. 2, 1950; 49 CFR 73.247, Rev. 1950) to read as follows:

(6) Spec. 103A or 103A–W (§§ 78.266 or 78.281 of this chapter). Tank cars except that for tin tetrachloride (anhydrous) Spec. 105A300 or 105A300W (§§ 78.271 or 78.286 of this chapter) tank cars must be used. Benzyl chloride must be stabilized when loaded in unlined tanks.

4. Amend § 73.248 paragraphs (a) (4) and (a) (5) (15 F. R. 8314, Dec. 2, 1950; 49 CFR 73.248, Rev. 1950) to read as follows:

(4) Spec. 103A or 103A–W (§§ 78.266 or 78.281 of this chapter). Tank cars, provided the product is sufficiently liquid to be unloaded through the dome.

(5) Spec. 103 or 103W (§§ 78.265 or 78.280 of this chapter). Tank cars, provided the product is too viscous to be unloaded through the dome.

5. Amend § 73.254 paragraph (a) (4) (15 F. R. 8315, Dec. 2, 1950; 49 CFR 73.254, Rev. 1950) to read as follows:

(4) Spec. 103A or 103A–W (§§ 78.266 or 78.281 of this chapter). Tank cars.

6. Amend § 73.255 paragraph (a) (4) (15 F. R. 8315, Dec. 2, 1950; 49 CFR 73.255, Rev. 1950) to read as follows:

(4) Spec. 103A or 103A–W (§§ 78.266 or 78.281 of this chapter). Tank cars.

7. Amend § 73.262 paragraph (a) (6) (15 F. R. 8316, Dec. 2, 1950; 49 CFR 73.262, Rev. 1950) to read as follows:

(6) Spec. 103B or 103B–W (§§ 78.267 or 78.282 of this chapter). Tank cars.

8. Amend § 73.264 paragraph (a) (11) and add paragraph (a) (15) (15 F. R. 8317, Dec. 2, 1950; 49 CFR 73.264, Rev. 1950) to read as follows:

(11) Spec. 103B or 103B–W (§§ 78.267 or 78.282 of this chapter). Tank cars, rubber-lined tanks. Authorized only for acid not over 40 percent strength.

* * * * *

(15) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip) with welded bung flanges. Authorized only for aqueous hydrofluoric acid containing 65 percent to 81 percent acidity, as hydrofluoric acid, or other concentrations of acid not greater than 81 percent acidity, as hydrofluoric acid, which are suitably inhibited so as to be no more corrosive to drum steel than 70 percent hydrofluoric acid at 80° F.

9. Amend § 73.264 paragraph (b) (1) (15 F. R. 8317, Dec. 2, 1950; 49 CFR 73.264, Rev. 1950) to read as follows:

(1) Spec. 3,[1] 3A, 3AA, 3B, 3C, 3E, 4, 4A, 25,[1] or 38,[1] also Spec. 4B or 4C if not brazed. (§§ 78.36, 78.37, 78.38, 78.40, 78.42, 78.48, 78.49, also 78.50 or 78.52 of this chapter.) Cylinders. Filling density must not exceed 85 percent of the pounds water weight capacity of the cylinder.

10. Amend § 73.265 paragraph (b) (3) (15 F. R. 8318, Dec. 2, 1950; 49 CFR 73.265, Rev. 1950) to read as follows:

(3) Spec. 103B or 103B–W (§§ 78.267 or 78.282 of this chapter). Tank cars, rubber-lined tanks.

11. Amend § 73.267 paragraphs (a) (2) and (a) (3) (15 F. R. 8319, Dec. 2, 1950; 49 CFR 73.267, Rev. 1950) to read as follows:

(2) Spec. 5A or 5C (§§ 78.81 or 78.83 of this chapter). Metal barrels or drums. Spec. 5C drums to be fabricated of type 347 stainless steel only. (See paragraph (b) of this section.)

(3) Spec. 103A or 103A–W (§§ 78.266 or 78.281 of this chapter). Tank cars. (See paragraph (b) of this section.)

12. Amend § 73.268 paragraphs (b) (1) (15 F. R. 8319, Dec. 2, 1950; 49 CFR 73.268, Rev. 1950) to read as follows:

(1) Spec. 103C, 103C–W, or 103AL–W (§§ 78.268, 78.283, or 78.291 of this chapter). Tank cars.

13. Amend § 73.274 paragraph (a) (3) (15 F. R. 8321, Dec. 2, 1950; 49 CFR 73.274, Rev. 1950) to read as follows:

(3) Spec. 103A or 103A–W (§§ 78.266 or 78.281 of this chapter). Tank cars.

14. Amend § 73.283 paragraph (a) (1) (15 F. R. 8322, Dec. 2, 1950; 49 CFR 73.283, Rev. 1950) to read as follows:

(1) Spec. 3A150, 3AA150, 3E1800, 3B240 or 4B240 (§§ 78.36, 78.37, 78.42, 78.38, or 78.50 of this chapter). Cylinders.

15. Amend § 78.284 paragraphs (a) and (b) (15 F. R. 8322, 8323, Dec. 2, 1950; 49 CFR 73.284, Rev. 1950) to read as follows:

§ 73.284 *Bromine pentafluoride.* (a) Bromine pentafluoride, when offered for transportation by carriers by rail freight, highway, or water, must be packed in specification containers as follows:

(1) Spec. 3A150, 3AA150, 3E1800, or 4B240 (§§ 78.36, 78.37, 78.42, or 78.50 of this chapter). Cylinders not over 120 pounds water capacity (nominal), filled to not over 210 percent of water capacity. Cylinders must be plugged and fitted with valve protection caps. Spec. 3E1800 (§ 78.42 of this chapter) cylinders must be packed in strong outside wooden boxes and contain not more than one pound of bromine pentafluoride.

(b) Bromine pentafluoride, when offered for transportation by rail express must be packed in specification containers as follows:

(1) Spec. 3A150, 3AA150, 3E1800, or 4B240 (§§ 78.36, 78.37, 78.42, or 78.50 of this chapter). Cylinders containing not more than one pound of bromine pentafluoride. Cylinders must be plugged and fitted with valve protection caps and must be packed in strong outside wooden boxes.

16. Amend § 73.285 paragraph (a) (1) (15 F. R. 8323, Dec. 2, 1950; 49 CFR 73.285, Rev. 1950) to read as follows:

(1) Spec. 3A150, 3AA150, 3E1800, 3B240, or 4B240 (§§ 78.36, 78.37, 78.42, 78.38, or 78.50 of this chapter). Cylinders.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend § 73.306 paragraph (a) (1) (15 F. R. 8325, 8326, Dec. 2, 1950; 49 CFR 73.306, Rev. 1950) to read as follows:

(1) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.49, 78.50, and 78.51 of this chapter), 25,[1] 26,[1] or 38,[1] also Spec. 9 or 40 (§§ 78.63 or 78.66 of this chapter), except that mixtures containing carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel, carbonyl, spirits of nitroglycerin, zinc ethyl, or poisonous articles, class A, B, or C, as defined by this part are not permitted unless otherwise prescribed in this part. (See §§ 73.34 and 73.301 (g).)

2. Amend § 73.307 paragraph (a) (1) (15 F. R. 8326, Dec. 2, 1950; 49 CFR 73.307, Rev. 1950) to read as follows:

(1) Spec. 3,[1] 3A, 3AA, 3B, 3C, 3D, 3E, 4, 4A, 4B, 4BA, 4C (§§ 78.36, 78.37, 78.38, 78.40, 78.41, 78.42, 78.48, 78.49, 78.50, 78.51, or 78.52 of this chapter), 7,[1] 25,[1] 26,[1] 33,[1] or 38.[1] (See §§ 73.34 and 73.301 (g).)

3. Amend § 73.308 paragraph (a), Table and Note 1 (15 F. R. 8326, Dec. 2, 1950; 49 CFR 73.308, Rev. 1950) to read as follows:

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e).
Anhydrous ammonia. (See Note 9)	54	ICC-4; ICC-3A480; ICC-3AA480; ICC-3A480X; ICC-4A480; ICC-3.
Carbon dioxide—nitrous oxide mixtures	68	ICC-3A1800; ICC-3AA1800; ICC-3.
Chlorine. (See Note 6)	125	ICC-3A480; ICC-3AA480; ICC-25; ICC-3.
Cyclopropane	55	ICC-3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-7-300; ICC-3; ICC-3E1800.
Dichlorodifluoromethane	119	ICC-3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-9.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	(1)	ICC-3A240; ICC-3AA240; ICC-3B240; ICC-4A240; ICC-4B240; ICC-4BA240; ICC-9.
Difluoroethane	79	ICC-3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225.
Difluoromonochloroethane	100	ICC-3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225.
Dimethylamine, anhydrous	59	ICC-3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225.
Ethane	35.8	ICC-3A1800; ICC-3AA1800; ICC-3.
Do	36.8	ICC-3A2000; ICC-3AA2000.
Ethylene	31.0	ICC-3A1800; ICC-3AA1800; ICC-3.
Do	32.5	ICC-3A2000; ICC-3AA2000.
Hydrogen sulfide	68	ICC-3A480; ICC-3AA480; ICC-3B480; ICC-4A480; ICC-4B480; ICC-4BA480; ICC-26-480.
Insecticide, liquefied gas. (See Note 8)	(2)	ICC-3A300; ICC-3AA300; ICC-3B300; ICC-4B300; ICC-4BA300; ICC-9; ICC-40.
Liquefied carbon dioxide. (See Notes 3 and 5).	68	ICC-3A1800; ICC-3AA1800; ICC-3.
Liquefied nonflammable gases, liquids other than those classified as flammable, corrosive, or poisonous and mixtures or solutions thereof, charged with nitrogen, carbon dioxide, or air. (See Note 10.)	(3)	ICC-3A300; ICC-3AA300; ICC-4B300; ICC-4BA300; ICC-4D300.
Methyl chloride. (See Note 4)	84	ICC-3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-3; ICC-4; ICC-25; ICC-26-300; ICC-38.
Methyl mercaptan	80	ICC-3A240; ICC-3AA240; ICC-3B240; ICC-4B240; ICC-4BA240.
Monochlorodifluoromethane	105	ICC-3A240; ICC-3AA240; ICC-3B240; ICC-4B240; ICC-4BA240.
Monochlorotrifluoromethane	100	ICC-3A1800; ICC-3AA1800; ICC-3.
Monomethylamine, anhydrous	60	ICC-3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225.
Nitrosyl chloride	110	ICC-3BN400 only.
Nitrous oxide. (See Note 2)	68	ICC-3A1800; ICC-3AA1800; ICC-3.
Propylene	44	ICC-3A300; ICC-3AA300; ICC-3B300; ICC-4A300; ICC-4B300; ICC-4BA300; ICC-3; ICC-4; ICC-25; ICC-26-300; ICC-38.
Sulfur dioxide	125	ICC-3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-3; ICC-4; ICC-25; ICC-26-150; ICC-38.
Sulfur hexafluoride	110	ICC-3A1800; ICC-3AA1800; ICC-3.
Tetrafluoroethylene, inhibited	90	ICC-3A1200; ICC-3AA1200; ICC-3E1800.
Trifluorochloroethylene	115	ICC-3A300; ICC-3AA300; ICC-3B300; ICC-4A300; ICC-4B300; ICC-4BA300.
Trimethylamine, anhydrous	57	ICC-3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225.
Vinyl, chloride, inhibited. (See Note 7)	84	ICC-4B300, without brazed seams; ICC-4BA300, without brazed seams; ICC-3A300; ICC-3AA300; ICC-25.
Vinyl methyl ether, inhibited. (See Note 7).	68	ICC-4B300, without brazed seams; ICC-4BA300, without brazed seams; ICC-3A300, ICC-3AA300; ICC-3B300; ICC-25.

[1] Section 73.304 (a) and (b).
[2] Section 73.304 (a) and (b).
[3] Section 73.304 (a) and (b) and the pressure in the container must not at 130° F. exceed 5/4 the marked service pressure of the container.

NOTE 1: Cylinders complying with spec. 3E (§ 78.42 of this chapter) are also authorized for all gases named in this table for which steel cylinders are authorized except where ICC–3A2000 and 3AA2000 (§§ 78.36, 78.37 of this chapter) cylinders are specified.

4. Amend § 73.311 paragraph (a) (15 F. R. 8327, Dec. 2, 1950; 49 CFR 73.311, Rev. 1950) to read as follows:

§ 73.311 *Fluorine.* (a) Fluorine must be shipped in metal cylinders complying with spec. 3A2000, 3AA2000, or 3BN400 (§§ 78.36, 78.37, or 78.39 of this chapter), equipped with valve protection caps and subject to § 73.34 (f) (4); cylinders must not be charged to over 400 pounds per square inch, gauge, at 70° F.; cylinders must not contain over 6 pounds of gas.

5. Amend § 73.312 paragraph (a) (1) (15 F. R. 8327, Dec. 2, 1950; 49 CFR 73.312, Rev. 1950) to read as follows:

(1) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4, 4B, 4BA (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.50, 78.51 of this chapter), 4B240X[1] (see appendix A to Subpart C of Part 78 of this chapter), 4B240FLW or 9 (§§ 78.54 or 78.63 of this chapter), 25,[1] 26,[1] or 38.[1] Cylinders authorized under § 73.34 (a) to (e) may be used.

[Notes 1 and 2 remain unchanged.]

6. Amend § 73.314 paragraph (a), Table, Notes 2, 8, 11 and 12, paragraphs (b) and (e) (15 F. R. 8328, 8329, Dec. 2, 1950; 16 F. R. 5325, 5326, June 6, 1951; 49 CFR 73.314, Rev. 1950) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) Compressed gases must not be shipped in tank cars except as provided in paragraphs (b) to (g) of this section, § 73.432, and in the following table:

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
	Percent	
Anhydrous ammonia	50	ICC–106A500, 106A500X, Note 12.
	57	ICC–105A300, 105A300W.
Argon	Note 5	ICC–107A.
Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 3	ICC–104A, 104A–W, Note 9.
Chlorine	125	ICC–106A500, 106A500X, Note 12.
	125	ICC–105A300, 105A300W, Note 8.
Crude nitrogen fertilizer solution	Note 6	ICC–106A500, 106A500X.
		ICC–105A300, 105A300W.
Dichlorodifluoromethane	119	ICC–106A500, 106A500X, 110A500W, Note 12.
	125	ICC–105A300, 105A300W.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	Note 6	ICC–106A500, 106A500X, Note 12.
		ICC–105A300, 105A300W.
Difluoroethane	79	ICC–106A500, 106A500X, Note 12.
Difluoromonochloroethane	100	ICC–106A500, 106A500X, Note 12.
Dimethylamine, anhydrous	59	ICC–106A500, 106A500X.
	62	ICC–105A300, 105A300W.
Dimethyl ether	59	ICC–106A500, 106A500X.
	62	ICC–105A300, 105A300W.
Dispersant gas, n. o. s.	Note 16	ICC–106A500, 106A500X, Note 12.
Fertilizer ammoniating solution containing free ammonia.	Note 6	ICC–106A500, 106A500X.
		ICC–105A300, 105A300W.
Helium	Note 5	ICC–107A.
Hydrogen	Note 5	ICC–107A, Note 7.
Hydrogen sulfide	68	ICC–106A800, 106A800X, Notes 12 and 13.
Liquid carbon dioxide	Note 10	ICC–105A500, 105A500W, 105A600, 105A600W, Note 11.
Liquid hydrocarbon gas	Note 6	Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 3	ICC–104A, 104A–W, Note 9.
Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.).	Note 3	ICC–105A300, 105A300W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 105° F.).	Note 3	ICC–105A400, 105A400W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 105° F.).	Note 3	ICC–105A500, 105A500W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 130° F.).	Note 4	ICC–106A500, 106A500X.
Liquefied petroleum gas (pressure not exceeding 450 pounds per square inch at 105° F.).	Note 3	ICC–105A600, 105A600W, Notes 5 and 9.
Methyl chloride	84	ICC–106A500, 106A500X, Note 12.
		ICC–105A300, 105A300W.
Methyl mercaptan	80	ICC–106A500, 106A500X, Note 13.
Monochlorodifluoromethane	105	ICC–106A500, 105A500X, 110A500W, Note 12.
	110	ICC–105A300, 105A300W.
Monochlorotetrafluoroethane	125	ICC–106A500, 106A500X, Note 12.
Monomethylamine, anhydrous	60	ICC–106A500, 106A500X.
	62	ICC–105A300, 105A300W.
Nitrogen	Note 5	ICC–107A.
Nitrosyl chloride	124	ICC–105A300W, Note 15.
Oxygen	Note 5	ICC–107A.
Sulfur dioxide	125	ICC–106A500, 106A500X, Note 12.
	125	ICC–105A300, 105A300W.
Trimethylamine, anhydrous	57	ICC–106A500, 106A500X.
	59	ICC–105A300, 105A300W.
Vinyl chloride, inhibited	84	ICC–106A500, 106A500X, Note 12.
	87	ICC–105A300, 105A300W.

* * * * *

NOTE 2: When tank cars marked ICC–105A300 or ICC–105A300W (§§ 78.271 or 78.286 of this chapter) are prescribed, tank cars marked ICC–105A400, 105A400W, 105A500, 105A500W, 105A600, and 105A600W (§§ 78.272, 78.287, 78.273, 78.288, 78.274 and 78.289 of this chapter) may also be used. When ICC–104A or ICC–104A–W (§§ 78.270 or 78.285 of this chapter) tank cars are prescribed, tank cars marked ICC–105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, and 105A600W (§§ 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, and 78.289 of this chapter), may also be used, and when ICC–106A500 and 106A500X (§§ 78.275 of this chapter) tank cars are prescribed, tank cars marked ICC–106A800 and 106A800X (§ 78.276 of this chapter) may also be used.

* * * * *

NOTE 8: For tank cars of other than ICC–106A type (§§ 78.275 or 78.276 of this chapter), used for shipping chlorine, tests prescribed in §§ 78.271–15 and 78.286–19 must be made at intervals of 2 years or less and interior pipes of liquid discharge valves must be equipped with check valves of approved design.

* * * * *

NOTE 11: Before an ICC–105A500, 105A500W, 105A600, or 105A600W (§§ 78.273, 78.288, 78.274, or 78.289 of this chapter) tank car may be used for the transportation of liquefied carbon dioxide, the following requirements must be met: Tank must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.03 B. t. u. per square foot, per degree F. differential in temperature per hour. Tank must be equipped with one safety valve of approved design set to open at a pressure not exceeding three-fourths of the test pressure of the tank and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up of pressure in tank in excess of three-fourths of the test pressure of the tank. Tank must be equipped with two pressure-regulating valves of approved design, one set to open at three-fifths of the test pressure of the tank and one set to open at two-thirds of the test pressure of the tank. Each regulating valve and safety device must have its final discharge piped to the outside of the tank.

NOTE 12: Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter), containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., or dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane or monochlorodifluoromethane, or tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 of this chapter, for rail freight-motor vehicle shipments.

(b) The gas pressure at 105° F. in any lagged tank of tank cars of specs. 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, and 105A600W (§§ 78.270, 78.285, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, and 78.289 of this chapter), and at 130° F. in any unlagged tank of tank cars of specs. 106A500, 106A500X, 106A800, 106A800X, and 110A500W (§§ 78.275, 78.276, and 78.293 of this chapter) must not exceed three-fourths times the prescribed retest pressure of the tank. The gas pressure at 130° F. in any unlagged tank of tank cars of the 107A (§78.277 of this chapter) series must not exceed seven-tenths of the marked test pressure of the tank.

[Note 1 remains unchanged.]

* * * * *

(e) Tank cars containing compressed gasses must not be shipped unless they were loaded by or with the consent of the owner thereof; and must not be loaded with any gas which combines chemically with the gas previously loaded therein, until all residue has been removed and interior of tank thoroughly cleaned. For cars of the ICC–106A and 110A500W (§§ 78.275, 78.276, and 78.293 of this chapter) type, the tanks must be placed in position and attached to car structure by the shipper.

SUBPART G—POISONOUS ARTICLES; DEFINITIONS AND PREPARATION

1. Amend § 73.326 paragraph (a) (1) (15 F. R. 8332, Dec. 2, 1950, 49 CFR 73.326, Rev. 1950) to read as follows:

(1) Bromacetone.

2. Amend § 73.329 paragraphs (a) and (b), cancel paragraphs (c) and (d) (15 F. R. 8332, Dec. 2, 1950; 16 F. R. 5326, June 6, 1951; 49 CFR 73.329, Rev. 1950) to read as follows:

§ 73.329 *Bromacetone; chlorpicrin and methyl chloride mixtures.* (a) *Bromacetone.* Bromacetone, when offered for transportation by carriers by rail freight, highway, or water, must be packed in specification containers as follows:

(1) As prescribed in § 73.328.

(2) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, spec. 2C (§ 78.22 of this chapter). Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 24 pounds.

(b) *Chlorpicrin and methyl chloride mixtures.* Chlorpicrin and methyl chloride mixtures, in addition to containers prescribed in § 73.328, when offered for transportation by carriers by rail freight, highway, or water, may be shipped in specification containers as follows:

(1) Spec. 3A, 3AA, 3B, 3C, 3E, 4A, 4B, or 4C (§§ 78.36, 78.37, 78.38, 78.40, 78.42, 78.49, 78.50, or 78.52 of this chapter) not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates (see § 73.25).

3. Amend § 73.332 paragraph (a) (3) (15 F. R. 8333, Dec. 2, 1950; 49 CFR 73.332, Rev. 1950) to read as follows:

(3) Spec. 3A480, or 3AA480 (§§ 78.36, 78.37 of this chapter). Metal cylinders of not over 125 pounds water capacity (nominal), minimum wall thickness 0.147 inch, and in no case shall the wall stress exceed 24,000 pounds per square inch when calculated by the formula in § 78.36–10 (b) of this chapter; valve protection cap must be used and be at least 3/16 inch thick, gas-tight, with 3/16 inch faced seat for gasket and with United States standard form thread; the cap must be capable of preventing injury or distortion of the valve when it is subjected to an impact caused by allowing cylinder, prepared as for shipment, to fall from an upright position with side of cap striking a solid steel object projecting not more than 6 inches above floor level.

4. Amend § 73.334 paragraph (a) (1) (15 F. R. 8333, Dec. 2, 1950; 49 CFR 73.334, Rev. 1950) to read as follows:

(1) Spec. 3A300, 3AA300, 3B300, 4A300, 4B240, or 4BA240 (§§ 78.36, 78.37, 78.38, 78.49, 78.50, or 78.51 of this chapter). Metal cylinders, charged with not more than 5 pounds of the mixture and to a maximum filling density of 80 percent of the water capacity. Cylinders must not be equipped with eduction tubes or fusible plugs. Valves must be of a type acceptable to the Bureau of Explosives.

5. Amend § 73.336 paragraphs (a) (2) and (a) (3) (15 F. R. 8334, Dec. 2, 1950; 49 CFR 73.336, Rev. 1950) to read as follows:

(2) Spec. 3A480 or 3AA480 (§§ 78.36, 78.37 of this chapter) or 25.[1] Metal cylinders with valve removed; valve opening to be closed by means of a solid metal plug with tapered thread properly luted to prevent leakage; valve protection cap must be used and be at least 3/16 inch thick, gastight, with 3/16 inch faced seat for gasket and with United States standard form thread. Use of this container will be permitted because of the present emergency and until further order of the Commission.

(3) Spec. 106A500 or 106A500X (§ 78.275 of this chapter). Tank cars. Each container must be equipped with valve protection caps, gastight, which must be approved by the Bureau of Explosives; containers must not be equipped with safety devices of any type; containers must be filled so that they will not be liquid full at 130° F.

6. Add paragraph (b) (8) to § 73.345 (15 F. R. 8334, Dec. 2, 1950; 49 CFR 73.345, Rev. 1950) to read as follows:

(8) Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A.

7. Amend § 73.346 paragraph (a) (10) (15 F. R. 8334, Dec. 2, 1950; 49 CFR 73.346 Rev. 1950) to read as follows:

(10) Spec. 103, 103W, 103A, or 103A–W (§§ 78.265, 78.280, 78.266, or 78.281 of this chapter).

8. Amend § 73.347 paragraph (a) (2) (15 F. R. 8335, Dec. 2, 1950; 49 CFR 73.347, Rev. 1950) to read as follows:

(2) Spec. 103, 103W, 103A, or 103A–W (§§ 78.265, 78.280, 78.266, or 78.281 of this chapter).

9. Amend § 73.352 paragraphs (a) (4) (15 F. R. 8335, Dec. 2, 1950; 49 CFR 73.352, Rev. 1950) to read as follows:

(4) Spec. 103, 103W, 103A, or 103A–W (§§ 78.265, 78.280, 78.266, or 78.281 of this chapter).

10. Amend § 73.353 paragraphs (a) (3), (5) and (b) (15 F. R. 8335, Dec. 2, 1950; 49 CFR 73.353, Rev. 1950) to read as follows:

(3) Spec. 3A300, 3AA300, 3B300, 3E1800, or 4B300 (§§ 78.36, 78.37, 78.38, 78.42, or 78.50 of this chapter). Metal cylinders of not over 125 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates. (See § 73.25)

[No change in Note 1.]

* * * * *

(5) Spec. 104A, 104A–W, 106A500, or 106A500X (§§ 78.270, 78.285, or 78.275 of this chapter). Tank cars.

(b) Outage must be sufficient to prevent tank car from becoming entirely filled with liquid at the following temperature: Spec. 104A or 104A–W (§§ 78.270 or 78.285 of this chapter), at 105° F., Spec. 106A500 or 106A500X (§ 78.275 of this chapter), at 130° F.

11. Amend § 73.354 paragraph (a) (4) (15 F. R. 8335, 8336, Dec. 2, 1950; 49 CFR 73.354, Rev. 1950) to read as follows:

(4) Spec. 105A300 or 105A300W (§§ 78.271 or 78.286 of this chapter). Tank cars. Stenciled on both sides of the tanks, "For Motor Fuel Antiknock Compound Only".

12. Add § 73.357 paragraphs (a), (b), and (c) (15 F. R. 8336, Dec. 2, 1950; 49 CFR 73.357, Rev. 1950) to read as follows:

§ 73.357 *Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A*—(a) *Chlorpicrin.* Chlorpicrin, when offered for transportation by carriers by rail freight, highway, or water, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, spec. 2C (§ 78.22 of this chapter). Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 24 pounds.

(2) Spec. 12B (§ 78.205 of this chapter). One-piece corrugated fiberboard boxes at least 200-pound test with inside glass bottles or tubes in hermetically sealed metal cans in individual unsealed one-piece corrugated fiberboard boxes, spec. 12B (§ 78.205 of this chapter) at lease 200-pound test. Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 12 pounds.

(3) Spec. 12B, (§ 78.205 of this chapter). One-piece corrugated fiberboard boxes at least 200-pound test with not more than one inside glass bottle or tube in a hermetically sealed metal can. Bottles must contain not over 1 pound of liquid, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard.

(b) *Chlorpicrin and mixtures of chlorpicrin containing no compressed gas or poisonous liquid, class A.* Chlorpicrin and mixtures of chlorpicrin containing no compressed gas or poisonous liquid, class A, in addition to containers prescribed in paragraph (a) of this section, when offered for transportation by carriers by rail freight, highway, or water, may be shipped in specification containers as follows:

(1) Spec. 3A, 3AA, 3B, 3C, 3D, 3E, 4A, 4B, or 4C (§§ 78.36, 78.37, 78.38, 78.40, 78.41, 78.42, 78.49, 78.50, 78.52 of this chapter) not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates (see § 73.25).

(2) Spec. 5A (§ 78.81 of this chapter). Metal drums of not exceeding 33 gallons capacity with welded seams.

NOTE 1: Because of the present emergency and until further order of the Commission, drums not exceeding 55 gallons capacity with welded seams are authorized for mixtures containing not over 15 percent by volume of chlorpicrin.

(c) Chlorpicrin and mixtures of chlorpicrin containing no compressed gas or poisonous liquid, class A, when offered for transportation by rail express must

be packed in specification containers as follows (also authorized for transportation by carriers by rail freight, highway, or water):

(1) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, spec. 2C (§ 78.22 of this chapter). Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 24 pounds.

(2) Spec. 15A (§ 78.168 of this chapter). Wooden boxes, metal strapped, with chlorpicrin absorbed in an efficient absorbing material packed in hermetically sealed metal cans not exceeding 1 quart capacity each.

(3) Spec. 12B (§ 78.205 of this chapter). One-piece corrugated fiberboard boxes at least 200-pound test with inside glass bottles or tubes in hermetically sealed metal cans in individual unsealed one-piece corrugated fiberboard boxes, Spec. 12B (§ 78.205 of this chapter) at least 200-pound test. Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 12 pounds.

(4) Spec. 12B (§ 78.205 of this chapter). One-piece corrugated fiberboard boxes at least 200-pound test with not more than one inside glass bottle or tube in a hermetically sealed metal can. Bottles must contain not over 1 pound of liquid, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard.

13. Amend § 73.365 paragraph (a) (13) (15 F. R. 8336, Dec. 2, 1950; 49 CFR 73.365, Rev. 1950) to read as follows:

(13) Spec. 103, 103W, 103A, or 103A–W (§§ 78.265, 78.280, 78.266, or 78.281 of this chapter). Tank cars.

14. Amend § 73.367 paragraph (b) (15 F. R. 8337, Dec. 2, 1950; 49 CFR 73.367, Rev. 1950) to read as follows:

(b) Arsenical compounds n. o. s. containing not more than 6 percent arsenic of which not more than 0.5 percent is water soluble must be packed in specification containers as follows:

15. Amend § 73.369 paragraphs (a) (1) and (13) (15 F. R. 8337, Dec. 2, 1950; 49 CFR 73.369, Rev. 1950) to read as follows:

(1) Spec. 5, 5A, 5B, 5C, 6A, 6B, or 6C (§§ 78.80, 78.81, 78.82, 78.83, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

* * * * *

(13) Spec. 103, 103W, 103AL–W, 103A, 103A–W, or 103A–AL–W §§ 78.265, 78.280, 78.291, 78.266, 78.281, or 78.292 of this chapter). Tank cars.

16. Amend § 73.370 paragraph (a) (1) (15 F. R. 8337, Dec. 2, 1950; 49 CFR 73.370, Rev. 1950) to read as follows:

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with metal inside containers, spec. 2F (§ 78.25 of this chapter), not over 25 pounds capacity each; or hermetically sealed (soldered) metal lining, spec. 2F (§ 78.25 of this chapter).

17. Amend § 73.370 paragraphs (b) (1) and (2) (15 F. R. 8337, Dec. 2, 1950; 49 CFR 73.370, Rev. 1950) to read as follows:

(1) Cyanides, or cyanide mixtures, in tightly closed metal inside containers, not over 1 pound each, securely cushioned and packed in outside wooden or fiberboard boxes or in wooden barrels. Net weight of cyanides or cyanide mixtures in any outside container, not over 25 pounds.

(2) Cyanide mixtures in tightly closed metal inside containers, securely cushioned and packed in outside wooden or fiberboard boxes or in wooden barrels. Net weight of cyanide mixtures in any outside container, not over 5 pounds.

18. Amend § 73.373 paragraph (a) (3) (16 F. R. 5326, June 6, 1951; 49 CFR 73.373, Rev. 1950) to read as follows:

(3) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums, gross weight 400 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; drums must withstand prescribed tests when filled to authorized gross weight of 400 pounds.

19. Amend § 73.374 paragraph (a) (2) (16 F. R. 5326, June 6, 1951; 49 CFR 73.374, Rev. 1950) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums, authorized only for nitrochlorbenzene, para, flaked, gross weight 400 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; drums must withstand prescribed tests when filled to authorized gross weight of 400 pounds.

20. Amend § 73.392 paragraph (a) (3) (15 F. R. 8339, Dec. 2, 1950; 49 CFR 73.392, Rev. 1950) to read as follows:

(3) The package must be such that no significant alpha, beta, or neutron radiation is emitted from the exterior of the package and the gamma radiation at any surface of the package must be less than 10 milliroentgens for 24 hours.

21. Add § 73.395 paragraph (a) (15 F. R. 8340, Dec. 2, 1950; 49 CFR 73.395, Rev. 1950) to read as follows:

§ 73.395 *Cleaning cars and vehicles.* (a) Any railroad car or motor vehicle which has been contaminated by radioactive material must be thoroughly cleaned by the consignee, or by a qualified authorized agent of the consignee receiving the radioactive material, in such a manner as to remove all radioactive material from the car or vehicle, and a certificate to that effect must be furnished to the local agent of the carrier or to the driver of the motor vehicle.

22. Add § 73.396 paragraph (a) (15 F. R. 8340, Dec. 2, 1950; 49 CFR 73.396, Rev. 1950) to read as follows:

§ 73.396 *Radioactive materials handling.* (a) When radioactive materials are loaded in cars by the shipper, the shipper shall observe all applicable requirements of § 75.655 (j) of this chapter.

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. Amend § 73.402 paragraphs (a) and (a) (1) to (10) inclusive (15 F. R. 8340, Dec. 2, 1950; 49 CFR 73.402, Rev. 1950) to read as follows:

§ 73.402 *Labeling dangerous articles.* (a) Each package containing any dangerous article or combination or mixture of dangerous articles as defined by Part 73 of this chapter must be conspicuously labeled by the shipper as follows, except as otherwise provided:

(1) "Red label" as described in § 73.405 on containers of flammable liquids as defined in § 73.115, except when exempted from the regulations by § 73.118 or when "red" label is required by paragraph (a) (4) of this section.

(2) "Yellow label" as described in § 73.406 on containers of flammable solids and oxidizing materials as defined in § 73.150 and § 73.151, except when exempted from the regulations by § 73.153 and § 73.183.

(3) "White label" as described in § 73.407 (a) (1), (2) and (3) on containers of acids, alkaline caustic liquids or corrosive liquids as defined in § 73.240, except when exempted from the regulations by § 73.244.

(4) "Red label" as described in § 73.408 (a) (1) on containers of flammable compressed gases as defined in § 73.300, except when exempted from the regulations by § 73.302.

(5) "Green label" as described in § 73.408 (a) (2) on containers of nonflammable compressed gases as defined in § 73.300, except when exempted from the regulations by § 73.302 or when "red" label or "poison gas" label is required by paragraphs (a) (4) or (a) (6) of this section.

(6) "Poison gas" label as described in § 73.409 (a) (1) on containers of Class A poisons as defined in § 73.326.

(7) "Poison" label as described in § 73.409 (a) (2) on containers of class B poison liquids or solid as defined in § 73.343, except when exempted from the regulations by § 73.345 and § 73.364 or when "poison gas" label is required by paragraph (a) (6) of this section.

(8) "Radioactive materials" label as described in § 73.414 (a) on containers of Class D poisons, Group I and II as defined in § 73.391, except when exempted by § 73.392.

(9) "Radioactive materials" label as described in § 73.414 (b) on containers of Class C poisons, Group III as defined in § 73.391, except when exempted by § 73.392 or when red "radioactive mate-

rials" label is required by paragraph (a) (8) of this section.

(10) "Tear gas" label as described in § 73.409 (a) (3) on containers of poisons, Class C as defined in § 73.381, except when "poison gas" label is required by paragraph (a) (6) of this section.

2. Cancel § 73.403, paragraphs (a), (b) and (c) (15 F. R. 8341, Dec. 2, 1950; 49 CFR 73.403, Rev. 1950).

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART C—PLACARDS ON CARS

Amend § 74.541, paragraph (a) (1) (15 F. R. 8350, Dec. 2, 1950; 49 CFR 74.541, Rev. 1950) to read as follows:

(1) Cars containing one or more packages bearing red, yellow, white acid, or corrosive liquid caution labels, or white "poison" labels, as prescribed by §§ 73.405 to 73.408 and 73.409 (a) (2) of this chapter, or without labels as authorized in § 73.402 (c) of this chapter.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. Amend § 78.43–9 paragraph (a) (15 F. R. 8397, Dec. 2, 1950; 49 CFR 78.43–9, Rev. 1950) to read as follows:

§ 78.43–9 *Neckrings and footrings.* (a) Welding for any purpose whatsoever is prohibited except as follows:

(1) Welding is authorized for the attachment of neckrings and footrings which are nonpressure parts, and only to the tops and bottoms. Cylinders, neckrings, and footrings must be made of weldable steel, carbon content of which must not exceed 0.25 percent.

(2) As permitted in § 78.43–8.

[No change in Note 1.]

2. Amend § 78.51–20 paragraph (a) Table I (16 F. R. 5328, June 6, 1951; 49 CFR 78.51–20, Rev. 1950) to read as follows:

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent				
	1315 [2 4]	HIS [2 4]	MAY [2 4]	NAX [2 4]	COR [2 4]
Carbon	0.10/0.20	0.12 max	0.12 max	0.20 max	0.12 max.
Manganese	1.10/1.65	0.50/0.90	0.50/1.00	0.45/0.75	0.20/0.50.
Phosphorus	0.045 max	0.05/0.12	0.06/0.12	0.045 max	0.07/0.15.
Sulfur	0.05 max	0.05 max	0.05 max	0.05 max	0.05 max.
Silicon	0.15/0.35	0.15 max	0.10/0.50	0.50/0.90	0.25/0.75.
Chromium			0.40/1.00	0.45/0.70	0.50/1.25.
Molybdenum		0.08/0.18			
Zirconium				0.05/0.25	
Nickel		0.45/0.75	0.25/0.75		0.65 max.
Copper	0.40 max	0.95/1.30	0.30/0.70		0.25/0.55.
Aluminum		0.12/0.27			
Heat treatment authorized	[3]	[3]	[3]	[3]	[3].
Maximum stress	35,000	35,000	35,000	35,000	35,000.
	SCX [2 4]	4017 [2 4]	OTY [2 4 5]	RDT [2 4 5 6]	YOL [2 4 5 6]
Carbon	0.20 max	0.13/0.20	0.15 max	0.12 max	0.15 max.
Manganese	0.60/1.00	0.90/1.40	0.90/1.40	0.50/1.00	0.30/0.60.
Phosphorus	0.045 max	0.04 max	0.09/0.135	0.040 max	0.04 max.
Sulfur	0.045 max	0.04 max	0.04 max	0.050 max	0.05 max.
Silicon	0.15/0.30	0.25/0.35	0.10 max		
Chromium	0.15/0.50				
Molybdenum	0.15/0.35	0.25/0.35		0.10/0.30	
Zirconium					
Nickel				0.50/1.20	1.50/2.00.
Copper	0.20/0.50		0.30/0.70	0.50/1.00	0.75/1.25.
Aluminum					
Heat treatment authorized	[3]	[3]	[3]	[3]	[3].
Maximum stress	35,000	35,000	35,000	35,000	35,000.

[1] A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, section 10, dated June 1945, are not exceeded or are approved by the Bureau of Explosives.
[2] This designation shall not be restrictive and the commercial steel is limited in analysis shown in the table.
[3] Any suitable heat treatment in excess of 1,100° F., except that liquid quenching is not permitted.
[4] Addition of other elements to obtain alloying effect is not authorized.
[5] Grain size 6 or finer according to A. S. T. M. Spec. E 19–46.
[6] Only fully killed steel authorized.

3. Amend § 78.60–4 paragraph (a) Table I (16 F. R. 5328, June 6, 1951; 49 CFR 78.60–4, Rev. 1950) to read as follows:

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent				
	1315 [2 4]	HIS [2 4]	MAY [2 4]	NAX [2 4]	COR [2 4]
Carbon	0.10/0.20	0.12 max	0.12 max	0.20 max	0.12 max.
Manganese	1.10/1.65	0.50/0.90	0.50/1.00	0.45/0.75	0.20/0.50.
Phosphorus	0.045 max	0.05/0.12	0.06/0.12	0.045 max	0.07/0.15.
Sulfur	0.05 max	0.05 max	0.05 max	0.05 max	0.05 max.
Silicon	0.15/0.35	0.15 max	0.10/0.50	0.50/0.90	0.25/0.75.
Chromium			0.40/1.00	0.45/0.70	0.50/1.25.
Molybdenum		0.08/0.18			
Zirconium				0.05/0.25	
Nickel		0.45/0.75	0.25/0.75		0.65 max.
Copper	0.40 max	0.95/1.30	0.30/0.70		0.25/0.55.
Aluminum		0.12/0.27			
Heat treatment authorized	[3]	[3]	[3]	[3]	[3].
Maximum stress	35,000	35,000	35,000	35,000	35,000.
	SCX [2 4]	4017 [2 4]	OTY [2 4 5]	RDT [2 4 5 6]	YOL [2 4 5 6]
Carbon	0.20 max	0.13/0.20	0.15 max	0.12 max	0.15 max.
Manganese	0.60/1.00	0.75/1.10	0.90/1.40	0.50/1.00	0.30/0.60.
Phosphorus	0.045 max	0.040 max	0.09/0.135	0.040 max	0.04 max.
Sulfur	0.045 max	0.040 max	0.040 max	0.050 max	0.05 max.
Silicon	0.15/0.30	0.25/0.35	0.10 max		
Chromium	0.15/0.50				
Molybdenum	0.15/0.35	0.25/0.35		0.10/0.30	
Zirconium					
Nickel				0.50/1.20	1.50/2.00.
Copper	0.20/0.50		0.30/0.70	0.50/1.00	0.75/1.25.
Aluminum					
Heat treatment authorized	[3]	[3]	[3]	[3]	[3].
Maximum stress	35,000	35,000	35,000	35,000	35,000.

[1] A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, section 10 dated June 1945, are not exceeded or are approved by the Bureau of Explosives.
[2] This designation shall not be restrictive and the commercial steel is limited in analysis shown in the table.
[3] Any suitable heat treatment in excess of 1100° F., except that liquid quenching is not permitted.
[4] Addition of other elements to obtain alloying effects is not authorized.
[5] Grain size 6 or finer according to A. S. T. M. Spec. E 19–46.
[6] Only fully killed steel authorized.

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. Amend § 78.80–8 paragraph (a) (15 F. R. 8432, Dec. 2, 1950; 49 CFR 78.80–8, Rev. 1950) to read as follows:

§ 78.80–8 *Rolling hoops.* (a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops not permitted. Attachment to drum body by spot welding, except for continuous resistance method, not permitted. Welding of I bar type directly to body of drum in any manner not permitted.

2. Amend § 78.83–11 paragraph (a) (16 F. R. 5329, June 6, 1951; 49 CFR 78.83–11, Rev. 1950) to read as follows:

§ 78.83–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by welding not less than 20 percent of the perimeter.

3. Amend § 78.86–8 paragraph (a) (15 F. R. 8437, Dec. 2, 1950; 49 CFR 78.86–8, Rev. 1950) to read as follows:

§ 78.86–8 *Rolling hoops.* (a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops not permitted. Attachment to drum body by spot welding, except for continuous resistance method, not permitted. Welding of I bar type directly to body of drum in any manner not permitted.

4. Amend § 78.98–6 paragraph (a) (15 F. R. 8443, Dec. 2, 1950; 49 CFR 78.98–6, Rev. 1950) to read as follows:

§ 78.98–6 *Rolling hoops.* (a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops not permitted. Attachment to drum body by spot welding, except for continuous resistance method, not permitted. Welding of I bar type directly to body of drum in any manner not permitted.

5. Amend § 78.99–6 paragraph (a) (15 F. R. 8444, Dec. 2, 1950; 49 CFR 78.99–6, Rev. 1950) to read as follows:

§ 78.99–6 *Rolling hoops.* (a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops not permitted. Attachment to drum body by spot welding, except for continuous resistance method, not permitted. Welding of I bar type directly to body of drum in any manner not permitted.

6. Amend § 78.100–6 paragraph (a) (15 F. R. 8445, Dec. 2, 1950; 49 CFR 78.100–6, Rev. 1950) to read as follows:

§ 78.100–6 *Rolling hoops.* (a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops not permitted. Attachment to drum body by spot welding, except for continuous resistance method, not permitted. Welding of I bar type directly to body of drum in any manner not permitted.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MILLING TUBES

Amend § 78.214–15 paragraph (a) (15 F. R. 8480, Dec. 2, 1950; 49 CFR 78.214–15, Rev. 1950) to read as follows:

§ 78.214–15 *Authorized gross weight (when packed) and parts required.* (a) Box to be of solid fiberboard, special waterproofed, a least 300-pound test, and weighing at least 250 pounds per thousand square feet. Tubes to be of solid or corrugated fiberboard at least 200-pound test and of 1 piece with adjoining edges stitched, taped, or glued. Glued lap not less than 1¼ inch; others 1½ inch. Lap must be firmly glued throughout entire area of contact with glue or adhesive which cannot be dissolved in water after the film application has dried.

[Note 1 remains the same.]

APPENDIX

Section and paragraph	*Reason for amendment*
72.5, Commodity List	To correct section references; to provide for shipment of new products; and reclassification of one commodity.
73.22 (c) Table	To include containers not previously specified.
73.25 (a) and (b)	To provide for properly packed containers of acids and other corrosive liquids in additional outside containers.
73.31:	
(a) and Table	To eliminate reference to welded tank cars and spec. ICC 106A500X containers, inasmuch as these references are now properly covered in various sections of the regulation.
(d)	To provide for the repairing of ICC 110A type tanks.
(e) and (e) (1)	To provide for the inspection of ICC 110A type tanks which were exposed to the action of fire.
(f)	To provide a certificate to be furnished to the Bureau of Explosives and the Mechanical Division, A. A. R. when alterations are made on tank cars.
(1) Note 1	To include safety valves requirements for ICC 103W and 104W tank cars.
73.33 (e)	To permit automatic valves opened by pressure from the discharge side of pump to be used on cargo tank motor vehicles.
73.34:	
(f)	To clarify safety device requirements for cylinders and to provide for Bureau of Explosives approval as to the number of safety devices to be used on cylinders.
(g) (3)	Clarification of requirements relative to cylinder records which must be filed with the Bureau of Explosives.
(k) and Table	To provide for an additional container.
Exception (6)	Requirement canceled.
Exception (7)	To limit decennial retesting of cylinders to those of more recent manufacture.
(1)	To provide for the repair of a container not previously specified.
73.88 (b)	Clarification of definition for cannon ammunition, class B.
73.93 (d) (4)	To provide for the use of tank cars of welded construction for the transportation of smokeless powder for cannon (unstable, condemned or deteriorated) submerged in water.
73.94 (g) (4)	To provide for the use of tank cars of welded construction for the transportation of smokeless powder for small arms (unstable condemned or deteriorated) submerged in water.
73.100 (b)	Clarification of definition for small arms ammunition.
73.108 (b) (1)	To provide for shipment of railway fusees, flares or highway signals in a satisfactory container.
73.118:	
(c) (13)	To exclude ethylene imine, inhibited from exemptions authorized in § 73.118 (a) and (b).
(c) (14)	To provide for the shipment of zirconium, metallic, solutions, or mixtures thereof, liquid.
73.119 (f) (3) Note 3	To provide for the use of ICC 104W tank cars for the transportation of flammable liquids.
73.124 (a) (5) Note 1	To provide for the use of ICC 104W tank cars for the transportation of ethylene oxide.
73.139 (a)	To provide for the safe transportation and packing of ethylene imine, inhibited.
73.140 (a)	To provide for the safe transportation and packing of zirconium, metallic, solutions, or mixtures thereof, liquid.
73.163:	
(a) (6)	To provide for the use of welded tank cars for the transportation of chlorates wet with 10 percent or more of water.
(a) (7)	To provide for the use of welded tank cars for the transportation of chlorate of soda.
73.176:	
(g)	Clarification of exemptions of matches, strike-on-box, book and card.
(g) (1)	Canceled, requirement now included in paragraph (g).
73.206 (c) (1)	To provide for the use of tank cars of welded construction for the transportation of sodium or potassium, metallic, sodium amide, lithium metal, lithium silicon, and lithium hydride.
73.208:	
(a)	To provide for the safe transportation and packing of titanium metal powder, wet.
(b)	To provide for the safe transportation and packing of titanium metal powder, dry.
73.227 (a) (2)	To provide for the use of synthetic coating, or metal foil as lining material of fiber drums used for the transportation of urea peroxide.
73.245:	
(a) (9)	To provide for the use of additional container, rubber lined, for the transportation of acids and other corrosive liquids.
(a) (10)	To provide for the use of additional container, lead lined, for the transportation of acids and other corrosive liquids.
73.246 (a) (1)	To provide for the use of ICC 3A cylinders having lower service pressure and also 3AA cylinders for the transportation of antimony pentafluoride.
73.247 (a) (6)	To provide for the use of tank cars of welded construction for the transportation of certain chlorides.
73.248:	
(a) (4)	To provide for the use of tank cars of welded construction for the transportation of acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.
(a) (5)	To provide for the use of tank cars of welded construction for the transportation of acid sludge or spent acid which is too viscous to be unloaded through the dome.
73.254 (a) (4)	To provide for the use of tank cars of welded construction for the transportation of chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.

Section and paragraph	Reason for amendment
73.255 (a) (4)	To provide for the use of tank cars of welded construction for the transportation of dimethyl sulfate.
73.262 (a) (6)	To provide for the use of tank cars of welded construction for the transportation of hydrobromic acid.
73.264:	
(a) (11)	To provide for the use of tank cars of welded construction for the transportation of hydrofluoric acid.
(a) (15)	To provide additional container for the transportation of aqueous hydrofluoric acid.
(b) (1)	To provide for the use of additional container for the transportation of hydrofluoric acid, anyhydrous.
73.265 (b) (3)	To provide for the use of tank cars of welded construction for the transportation of hydrofluosilicic acid.
73.267:	
(a) (2)	To provide additional container for the transportation of mixed acid.
(a) (3)	To provide for the use of tank cars of fusion welded construction for the transportation of mixed acid.
73.268 (b) (1)	To provide for the use of tank cars of welded construction and also additional container for the transportation of nitric acid.
73.274 (a) (3)	To provide for the use of tank cars of welded construction for the transportation of fluosulfonic acid.
73.283 (a) (1)	To provide for the use of ICC 3A cylinders having lower service pressure and also 3AA cylinders for the transportation of bromine trifluoride.
73.284 (a) and (b)	To provide for the safe transportation and packing of bromine pentafluoride.
73.285 (a) (1)	To provide for the use of ICC 3A cylinders having lower service pressure and also 3AA cylinders for the transportation of chlorine trifluoride.
73.306 (a) (1)	To include container not previously specified for the transportation of liquefied gases, except gas in solution or poisonous gas.
73.307 (a) (1)	To provide for an additional container for the transportation of nonliquefied gases, except gas in solution or poisonous gas.
73.308:	
(a) Table	To include the use of specification ICC 3AA cylinders and to provide proper maximum filling density for mixtures of dichlorodifluoromethane and difluoroethane of varying proportions.
Note 1	To limit the use of ICC 3E cylinders to commodities under 2000 pounds service pressure.
73.311 (a)	To provide for the use of additional container for the transportation of fluorine.
73.312 (a) (1)	To provide for additional container for the transportation of liquefied petroleum gas.
73.314:	
(a) and Table	To provide for the use of ICC 106A500X ton containers and tank cars of welded construction for the transportation of compressed gases.
Note 2	To provide for the use of tank cars of welded construction.
Note 8	To correct specification reference and omit provision which was canceled November 27, 1950.
Note 11	To provide for the use of tank cars of welded construction.
Note 12	To provide for the use of ICC 106A500X and 106A800X tanks for the transportation of certain compressed gases.
(b)	To provide for gas pressures for tank cars of welded construction and ICC 106A500X, 106A800X, and 110A500W tanks.
(e)	To provide for the transportation, loading and cleaning of 110A500W tanks.
73.326 (a) (1)	Clarification. Chlorpicrin reclassified from class A poison to class B poison and bromacetone it now included in § 73.329.

Section and paragraph	Reason for amendment
73.329:	
(a)	To provide for the safe transportation and packing of bromacetone.
(b)	To provide for the safe transportation and packing of chlorpicrin and methyl chloride mixtures.
73.332 (a) (3)	To provide an additional container for the transportation of hydrocyanic acid, liquid and hydrocyanic acid liquefied.
73.334 (a) (1)	To provide an additional container for the transportation of hexaethyl tetraphosphate, parathion, and tetraethyl pyrophosphate mixtures.
73.336:	
(a) (2)	To provide an additional container for the transportation of nitrogen dioxide, liquid.
(a) (3)	To provide for the use of ton containers of ICC spec. 106A500X for the transportation of nitrogen dioxide, liquid.
73.345 (b) (8)	To provide for the shipment of chlorpicrin and chlorpicrin mixtures as class B poisons but to permit no exemptions.
73.346 (a) (10)	To provide for the use of tank cars of welded construction for the transportation of poisonous liquids, class B.
73.347 (a) (2)	To provide for the use of tank cars of welded construction for the transportation of aniline oil.
73.352 (a) (4)	To provide for the use of tank cars of welded construction for the transportation of liquid sodium or potassium cyanide.
73.353:	
(a) (3)	To provide for the use of an additional container and crating for the transportation of methyl bromide.
(a) (5)	To provide for the use of tank cars of welded construction and ton containers of ICC 106A500X type for the transportation of methyl bromide.
(b)	To provide outage requirements for tank cars of welded construction and ton containers of the 106A500X type transporting methyl bromide.
73.354 (a) (4)	To provide for the use of tank cars of welded construction for the transportation of motor fuel antiknock compound or tetraethyl lead.
73.357:	
(a)	To provide for the safe transportation and packing of chlorpicrin.
(b)	To provide for the safe transportation of chlorpicrin and mixtures of chlorpicrin containing no compressed gas or poisonous liquid, class A.
(c)	To provide for the safe transportation and packing of chlorpicrin and mixtures when shipments are offered for transportation by rail express.
73.365 (a) (13)	To provide for the use of tank cars of welded construction for the transportation of poisonous solids, class B.
73.367 (b)	To permit an increase in the water solubility of arsenical compounds.
73.369:	
(a) (1)	To provide for the use of an additional drum for the shipment of carbolic acid (not liquid).
(a) (13)	To provide for the use of tank cars of aluminum welded construction for the transportation of carbolic acid (not liquid).
73.370:	
(a) (1)	Glass bottles not over 5 pounds capacity have been eliminated as inside containers for the reason they are not considered suitable for the transportation of cyanides or cyanide mixtures.
(b) (1) and (b) (2)	Glass or earthenware inside containers have been eliminated for the reason they are not considered suitable for the transportation of cyanides.
73.373 (a) (3)	To provide additional container for the transportation of paranitraniline, and to eliminate special test of containers which experience has proved unnecessary.
73.374 (a) (2)	To provide additional container for the transportation of nitrochlorbenzene, meta or para.
73.392 (a) (3)	To correct an error in the regulations.

Section and paragraph	Reason for amendment
73.395 (a)	To require the cleaning of motor vehicles which have been contaminated by radioactive materials by the consignee, or by qualified authorized agent of the consignee.
73.396 (a)	To make provision for proper loading of radioactive materials by the shippers.
73.402 (a) and (a) (1) to (10), incl.	To provide for adequate labeling of mixed shipments and/or materials having more than one hazard.
73.403 (a), (b) and (c)	Canceled. Labels for mixed packing is now covered by § 73.402.
74.541 (a) (1)	To eliminate reference to § 73.402 (d) as it is in error.
78.43-9 (a)	To permit attachment of neckrings to cylinders by welding.
78.51-20 (a) Table I	To permit the use of a modified steel.
78.60-4 (a) Table I	Do.
78.80-8 (a)	To prohibit I-bar attachment by welding found to be unsatisfactory and to permit continuous stitch welding on some types of rolling hoops.
78.83-11 (a)	To provide alternate method of marking.
78.86-8 (a)	To prohibit I-bar attachment by welding found to be unsatisfactory and to permit continuous stitch welding on some types of rolling hoops.
78.98-6 (a)	Do.
78.99-6 (a)	Do.
78.100-6 (a)	Do.
78.214-15 (a)	To permit glued lap joint on inside tubes.

[F. R. Doc. 51-7520; Filed, July 3, 1951; 8:45 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR Part 53]

[Docket No. FDC-59]

CANNED TOMATOES

NOTICE OF HEARING TO AMEND DEFINITION AND STANDARD OF IDENTITY

In the matter of amending the definition and standard of identity for canned tomatoes:

Notice is hereby given that the Federal Security Administrator, upon application of a substantial portion of the interested industry stating reasonable grounds, and in accordance with sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1046, 1055; 21 U. S. C. 341, 371), will hold a public hearing commencing at 10:00 o'clock in the morning of August 7, 1951, in room 5439, Federal Security Building, Independence Avenue and Fourth Street SW., Washington, D. C., for the purpose of receiving evidence upon proposals to amend the regulations fixing and establishing a definition and standard of identity for canned tomatoes (21 CFR 53.40). At the hearing, evidence will be restricted to testimony and exhibits relevant and material to such proposals. The hearing will be conducted in accordance with the rules of practice provided therefor.

Mr. Bernard D. Levinson is hereby designated as presiding officer to conduct the hearing in place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is hereby required to certify the entire record of the proceeding to the Administrator for initial decision.

The proposed amendment set forth below for consideration at the hearing is subject to adoption, rejection, or modification by the Federal Security Administrator, in whole or in part, as the evidence adduced at the hearing may require.

It is proposed that § 53.40 *Canned tomatoes; identity; label statement of optional ingredients* be amended by deleting from paragraph (b) the requirement that the label bear a statement showing the presence of the optional ingredient described in paragraph (a) (3) of that section.

Dated: June 28, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-7678; Filed, July 3, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA GRAZING DISTRICT NO. 4
(SAFFORD)

FEDERAL RANGE CODE FOR GRAZING DISTRICTS; NOTICE OF RANGE IMPROVEMENT FEE IN DESIGNATED PORTIONS

Pursuant to the authority delegated to me by Order No. 2583 of August 16, 1950, of the Secretary of the Interior, and in accordance with the provisions of § 161.8 (b), and note, of the Federal Range Code for Grazing Districts (43 CFR Part 161) and upon the recommendation of the District Advisory Board, notice is hereby given that effective July 1, 1951, the Range Improvement Fee to be charged in the Fan and Murchison Areas on San Simon LU Project Area of Arizona Grazing District No. 4 (Safford) will be as follows:

12 cents per head per month for horses.
5 cents per head per month for cattle.
1 cent per head per month for sheep and goats.

This rate shall apply to all licenses and fee notices issued beginning July 1, 1951, and until changed by further notice.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51-7673; Filed, July 3, 1951; 8:51 a. m.]

COLORADO GRAZING DISTRICT NO. 6
(YAMPA)

FEDERAL RANGE CODE FOR GRAZING DISTRICTS; NOTICE OF RANGE IMPROVEMENT FEE ON GREAT DIVIDE LU PROJECT AREA

Pursuant to the authority delegated to me by Order No. 2583 of August 16, 1950, of the Secretary of the Interior, and in accordance with the provisions of § 161.8 (b), and note, of the Federal Range Code for Grazing Districts (43 CFR, Part 161) and upon the recommendation of the District Advisory Board, notice is hereby given that effective July 1, 1951, the Range Improvement Fee to be charged on lands acquired under Title 3 of the Bankhead-Jones Act in the Great Divide LU Project Area in Colorado Grazing District No. 6 (Yampa) will be as follows:

29 cents per head per month for cattle and horses.
5.8 cents per head per month for sheep and goats.

This rate shall apply to all licenses and fee notices issued beginning July 1, 1951, and until changed by further notice.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51-7672; Filed, July 3, 1951; 8:51 a. m.]

Geological Survey

CLEARWATER RIVER AND TRIBUTARIES, IDAHO

POWER SITE CLASSIFICATION 417

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by section 211 of the act of August 26, 1935 (16 U. S. C. 818):

BOISE MERIDIAN, IDAHO

T. 37 N., R. 1 E.,
Sec. 14, SW¼NE¼;
Sec. 22, SE¼NE¼, and NE¼SE¼;
Sec. 23, W½SE¼;
Sec. 26, NW¼NE¼.
T. 38 N., R. 1 E.,
Sec. 25, NW¼NE¼.
T. 37 N., R. 2 E.
Sec. 7, SE¼SE¼.
T. 33 N., R. 3 E.,
Sec. 14, N½NE¼NE¼, SE¼NE¼NE¼, and NE¼NW¼NE¼.
T. 34 N., R. 3 E.,
Sec. 6, lot 3, SE¼NW¼;
Sec. 21, NE¼SW¼, and SW¼SE¼.

T. 41 N., R. 6 E.,
Sec. 25, N½SW¼;
Sec. 27, W½NE¼, and NE¼NW¼;
Sec. 28, lots 1, and 2, NW¼NE¼;
Sec. 29, NE¼NE¼;
Sec. 30, lot 2, SW¼NE¼;
Sec. 31, SE¼NE¼;
Sec. 32, lot 1, NW¼NE¼, NE¼NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 34, NW¼SE¼.
T. 40 N., R. 7 E.,
Sec. 6, lot 9, E½SW¼.
T. 41 N., R. 7 E.
Sec. 31, NW¼NE¼, and NE¼NW¼.
T. 40 N., R. 8 E. (unsurveyed); every smallest legal subdivision any part of which, when surveyed, will be adjacent to North Fork of Clearwater River under an altitude of 1,860 feet. Protraction of existing surveys indicates that the lands when surveyed will be in secs. 4, 5, 6, 7, 8, 9, 15, 16, 17, and 21.

The area described aggregates 2,964.90 acres.

Dated: June 27, 1951.

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 51-7631; Filed, July 3, 1951; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14), are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Barnesville Manufacturing Co., Inc., 315-319 South Gardner Street, Barnesville, Ohio, effective 6-23-51 to 12-22-51; 40 learners for expansion purposes (ladies' and boys' pajamas).

Ben Weisberg & Co., 54-56 North Main Street, Carbondale, Pa., effective 6-20-51 to 12-19-51; 20 learners for expansion purposes (children's cotton dresses).

Big Dad Manufacturing Co., Inc., Starke, Fla., effective 7-2-51 to 1-1-52; 107 learners for expansion purposes (dungarees, pants, sport shirts).

Blue Bell-Midsouth Division, Inc., Baldwin, Prentiss County, Miss., effective 6-20-51 to 12-19-51; 45 learners for expansion purposes only (8.2-oz. cotton khaki U. S. Army shirts).

Blue Bell-Midsouth Division, Inc., Baldwyn, Prentiss County, Miss., effective 6-20-51 to 6-19-52; for normal labor turnover, 10 percent of the productive factory workers (8.2-oz. cotton khaki U. S. Army shirts).

Clearfield Sportswear Co., Inc., Coalport, Pa., effective 6-23-51 to 12-22-51; 10 learners for expansion purposes (sport shirts).

Croyden Manufacturing Corp., 1511-15 West Beverley Street, Staunton, Va., effective 6-22-51 to 6-21-52; for normal labor turnover, not to exceed 10 percent of the productive factory workers (ladies' pajamas).

Diamond Blouse Co., Roebling, N. J., effective 6-20-51 to 6-19-52; for normal labor turnover, not to exceed 10 learners (ladies' blouses).

Mammoth Cave Garment Co., Cave City, Ky., effective 6-23-51 to 12-22-51; 30 learners for expansion purposes (men's and boys' denim dungarees).

Owego Textile Manufacturing Inc., 178-180 Front Street, Owego, N. Y., effective 6-22-51 to 6-21-52; for normal labor turnover, not to exceed six learners (dresses).

Rutherford Garment Co., Rutherford, Tenn,. effective 6-22-51 to 6-21-52; for normal labor turnover, not to exceed 10 percent of the productive factory workers (men's and boys' wool and cotton jackets, men's and boys' wool mackinaws).

Springville Manufacturing Co., Springville, Pa., effective 6-25-51 to 12-24-51; not to exceed 30 learners for expansion purposes (women's apparel, blouses, and dresses).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F.R. 283).

The Batesville Co., Batesville, Miss., effective 6-18-51 to 6-17-52; 5 percent of the total number of productive factory workers.

Butler Hosiery Mills, Hartsville, S. C., effective 6-20-51 to 6-19-52; five learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Dowling Textile Manufacturing Co., 25 City Square, McDonough, Ga., effective 6-21-51 to 12-20-51; 10 learners; sewing machine operators, 240 hours; 120 hours at 60 cents an hour and remaining 120 hours at 65 cents an hour (hemming towels, pillow cases, napkins).

Ed Friedrich, Inc., 1117 East Commerce, San Antonio, Tex., effective 6-20-51 to 12-19-51; 10 percent of the total number of productive factory workers; basic hand and machine operators on commercial refrigeration; 480 hours; 60 cents for first 320 hours and 65 cents for remaining 160 hours (commercial refrigeration equipment).

J. H. Grady Manufacturing Co., Licking, Mo., effective 6-21-51 to 12-20-51; 10 percent of the total productive factory workers; hand and machine sewers, baseball makers and molders only; 480 hours; 60 cents an hour for first 320 hours and 65 cents an hour for remaining 160 hours (athletic equipment).

Hardie-Arnita Gifts, Beverly Hills, Calif., effective 6-19-51 to 12-18-51; two learners; pottery makers, excluding helpers, floor hands, and clean-up laborers; 160 hours at 60 cents (ceramic giftware).

Puerto Rico: The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiring dates, the number of learners, and learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

A. C. T. Hankies, Inc., Santurce, P. R., effective 6-15-51 to 12-14-51; 18 learners; machine embroidering; 240 hours at 22½ cents per hour (laces).

General Fuse Co., Villalba, P. R., effective 6-20-51 to 9-19-51; 40 learners; assembly of fuses; 400 hours at 34 cents per hour (fuses).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 25th day of June 1951.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 51-7633; Filed, July 3, 1951; 8:47 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 10]

REQUEST TO COORDINATED MANUFACTURERS OF SANTA CLARA COUNTY, INC., TO OPERATE AS A SMALL BUSINESS ENTERPRISE PRODUCTION POOL AND REQUESTS TO CERTAIN COMPANIES TO PARTICIPATE IN THE OPERATIONS OF SUCH POOL

JUNE 22, 1951.

Pursuant to section 708 of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) the request to Coordinated Manufacturers of Santa Clara County, Inc. to operate as a small business enterprise production pool and the requests to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General, after consultations between representatives of the Director of the Office of Defense Mobilization, representatives of the Attorney General, and representatives of the Chairman of the Federal Trade Commission. The voluntary program, in accordance with which the pool shall operate, has been approved by the Director of the Office of Defense Mobilization and found to be in the public interest as contributing to the national defense.

REQUEST TO COORDINATED MANUFACTURERS OF SANTA CLARA COUNTY, INC.

You are requested to operate as a small business enterprise production pool in accordance with a voluntary program as set forth in the papers attached to your letter addressed to the Department of Commerce, Pooling Section, Office of Small Business, Washington, D. C., dated April 4, 1951. Such operations shall be conducted within the limits as set forth therein.

In my opinion, the operations of your corporation, as a small business enterprise production pool, will greatly assist in the accomplishment of our national defense objectives.

The Attorney General has approved this request after consultations with respect to this matter between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950 (Public Law 774—81st Cong.).

I approve the voluntary program and find it to be in the public interest as contributing to the national defense.

Your cooperation in this matter will be appreciated.

Sincerely,

CHARLES E. WILSON.

CONTENTS OF REQUEST TO PARTICIPATING COMPANIES

You are requested to participate in the operations of Coordinated Manufacturers of Santa Clara County, Inc., as a member thereof, which will operate as a small business enterprise production pool in accordance with the voluntary program as set forth in the papers attached to the letter from Coordinated Manufacturers of Santa Clara County, Inc., dated April 4, 1951, addressed to the Department of Commerce, Pooling Section, Office of Small Business, Washington, D. C. Your participation in such operations shall be within the limits set forth therein.

In my opinion, your participation in the operations of this corporation, as a small business enterprise production pool, will greatly assist in the accomplishment of our national defense objectives.

The Attorney General has approved this request after consultations with respect to this matter between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950 (Public Law 774—81st Congress).

I approve the voluntary program and find it to be in the public interest as contributing to the national defense.

Your cooperation in this matter will be appreciated.

Sincerely,

CHARLES E. WILSON.

LIST OF COMPANIES REQUESTED TO PARTICIPATE

Allied Radio & Electronic Co., 57 South Fourth Street, San Jose, Calif.

Babbitt Bearing Co., 35 Vine Street, San Jose, Calif.

Bagley Wooden Products, P. O. Box 508, San Jose, Calif.

Baldwin & Carter, 50 West McClellan Avenue, San Jose, Calif.

Bean Rubber Manufacturing Co., 1623 South Tenth Street, San Jose, Calif.

B. E. Stokes, 38 South Fourth Street, San Jose, Calif.

Braman's Cabinet Shop, 270 Cambridge Avenue, Palo Alto, Calif.

Bridges Construction Co., 350 North Montgomery Street, San Jose, Calif.

The Cabinet House, 90 East Campbell Avenue, Campbell, Calif.

Caldwell's Woodworking Shop, 62 Scharff Avenue, San Jose, Calif.

Cascade Metal Corporation, 595 Emory Street, San Jose, Calif.

Cherry Furniture Co., 230 North San Pedro Street, San Jose, Calif.

John Christian Manufacturing Co., 1194 Lick Avenue, San Jose, Calif.

Custom Cabinet Shop, 1036 Lenzen Avenue, San Jose, Calif.

Edwards Wood Products Co., P. O. Box 1384, 1715 Del Monte Avenue, Monterey, Calif.

El Dorado Lumber Co., Elm and Newhall, San Jose, Calif.

Electronic Applications Co., 1086 Martin Avenue, Santa Clara, Calif.

Formway Machine Shop, 504 Almond Avenue, Los Altos, Calif.

Forsberg Machine Works, 980 Martin Avenue, Santa Clara, Calif.

Garden Mill & Supply Co., 967 Wistar Street, Santa Clara, Calif.

Gordon's Auto Top Shop, 2103 Alum Rock Avenue, San Jose, Calif.

Hancock Manufacturing Co., 1084 Martin Avenue, Santa Clara, Calif.

Holt's Cabinets, 226 Grand Avenue, San Jose, Calif.

Homan Tractor Co., Cottage Corners, P. O. Box 542, Hollister, Calif.

K & M Mill & Cabinet Shop, 350 Phelan Avenue, San Jose, Calif.

Lantz Mill & Cabinet Shop, 2900 Williams Road, San Jose, Calif.

Ledeit Glass Co., 762 Lenzen Avenue, San Jose, Calif.

Marshall's Cabinet Shop, 970 Martin Avenue, Santa Clara, Calif.

Mauer Machine Co., 132 Spencer Avenue, San Jose, Calif.

Mayfield Garage, 306 Cambridge Avenue, Palo Alto, Calif.

Meade Motor Works, 635 South First Street, San Jose, Calif.

Meyer-Robertson, Inc., P. O. Box 1021, Evelyn Avenue, Mountain View, Calif.

Midvale Furniture Co., 870 Savaker Avenue, San Jose, Calif.

O. C. McDonald Co., 367 East Santa Clara Street, San Jose, Calif.

Pacific Coast Fixtures & Refrigeration, 2860 Monterey Road, San Jose, Calif.

Palo Alto Foundry, 3295 Third Street, Palo Alto, Calif.

Perry's Pump & Machine Shop, 27 Grant St., San Jose, Calif.

P. G. Miller & Sons, 126 Alma Street, San Jose, Calif.

Revitt & Martin, 170 South Second Street, San Jose, Calif.

San Jose Fixture & Supply Co., 279 San Jose Avenue, San Jose, Calif.

Seger's Cabinet Shop, 655 Eunice Avenue, Mountain View, Calif.

S & N Cabinet Shop, 560 North Fifth Street, San Jose, Calif.

S & S Vending Machine Co., 670 Lincoln Avenue, San Jose, Calif.

Stanley & Son, 465 South Depot Street, Morgan Hill, Calif.

Streamline Fixture & Cabinet Co., 1091 North Tenth Street, San Jose, Calif.

Tomasello's Machine Shop, 235 West Humboldt, San Jose, Calif.

Trinchero & Arntzen, 618 South First Street, San Jose, Calif.

Tru-Bilt Fixtures, 51½ Glen Eyrie Avenue, San Jose, Calif.

Wallace Bros. Cabinet Shop, 16½ Shelburke Way, Los Gatos, Calif.

West Coast Steel Co., 1131 Auzerais Avenue, San Jose, Calif.

Western Sewing Products, 51 North First Street, San Jose, Calif.

(Sec. 708, Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Letter from the President to the Director of the Office of Defense Mobilization, dated Apr. 27, 1951, 16 F. R. 3691)

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.[1]

[F. R. Doc. 51-7818; Filed, July 2, 1951; 4:55 p. m.]

[1] The letter from the President, dated Apr. 27, 1951, to the Director of the Office of Defense Mobilization, conferred upon the Director of the Office of Defense Mobilization the powers delegated to the Defense Production Administrator by E. O. 10200 of Jan. 3, 1951, 16 F. R. 61, relating to voluntary agreements and programs under section 708 of the Defense Production Act of 1950, Pub. Law 774, 81st Cong., during the incumbency of the Acting Defense Production Administrator.

ADDITIONAL COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN THE VOLUNTARY PLAN TO CONTRIBUTE TANKER CAPACITY

JUNE 22, 1951.

Pursuant to section 708 of the Defense Production Act of 1950 (Public Law 774, 81st Cong.) the following supplemental list of companies is herewith published which have accepted the request to participate in the voluntary plan, entitled "Voluntary Plan under Public Law 774, 81st Congress, for the Contribution of Tanker Capacity for National Defense Requirements," dated January 18, 1951, which request, original list of companies accepting such request, and voluntary plan were published on March 1, 1951, at 16 F. R. 1964. Additional lists of companies accepting such request were published on April 14, 1951, at 16 F. R. 3315, and on May 3, 1951, at 16 F. R. 3931.

The Harcon Steamship Co., Inc., 630 Fifth Avenue, New York, N. Y.

Jupiter Steamship Corp., c/o Orion Shipping & Trading Co., Inc., 80 Broad Street, New York 4, N. Y.

United Waterways Corp., c/o Orion Shipping & Trading Co., Inc., 80 Broad Street, New York 4, N. Y.

Dorac Shipping Corp., 17 State Street, New York 4, N. Y.

Olympia Oil Corp., 17 State Street, New York 4, N. Y.

(Sec. 708, Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Letter from the President to the Director of the Office of Defense Mobilization, dated Apr. 27, 1951, 16 F. R. 3691)

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.[1]

[F. R. Doc. 51-7820; Filed, July 2, 1951; 4:55 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

ORDER CONTINUING HEARING

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards Concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the Band 470-890 Mcs. for Television Broadcasting, Docket No. 8976.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of June 1951;

It appearing, that further hearings in the above designated matters are scheduled to commence on July 9, 1951; and

It further appearing, that the Commission heard oral argument on June 28, 1951, with respect to its legal authority to

(1) Prescribe as a part of its rules and subject to change through rule making a table specifying the channels upon which television station assignments may be made in specified communities and areas; and

(2) Designate and reserve certain of the assignments provided in such table for use by noncommercial educational television stations.

It is ordered, That the further hearings in the above-entitled proceeding now scheduled to commence on July 9, 1951, are continued until July 23, 1951, in order that the Commission may consider the matters presented at the above described oral argument.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7684; Filed, July 3, 1951; 8:55 a. m.]

[Docket Nos. 9984, 9985]

BLUE RIDGE BROADCASTING CO. (WGGA) AND LAMAR LIFE INSURANCE CO. (WJDX)

ORDER CONTINUING HEARING

In re applications of Blue Ridge Broadcasting Co. (WGGA), Gainesville, Ga., Docket No. 9984, File No. BP-7661; Lamar Life Insurance Co. (WJDX), Jackson, Miss., Docket No. 9985, File No. BP-7909; for construction permits.

The Commission having under consideration a petition filed June 14, 1951, by Lamar Life Insurance Company (WJDX), Jackson, Mississippi, requesting a continuance of hearing presently scheduled for July 31, 1951, at Washington, D. C., in the proceeding upon the above-entitled application for construction permits; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 22d day of June 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Monday, October 1, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7675; Filed, July 3, 1951; 8:53 a. m.]

[Docket Nos. 9910-9911]

CITY BROADCASTING CORP. AND GARDNER BROADCASTING CO. (WHOB)

ORDER CONTINUING HEARING

In re application of City Broadcasting Corp., Nashua, N. H., Docket No. 9910, File No. BP-7919; for construction permit. The Gardner Broadcasting Co., Gardner, Mass. (WHOB), Docket No. 9911, File No. BP-7980; for construction permit to change frequency, etc.

The Commission having under consideration a petition filed by Gardner Broadcasting Company (WHOB) on June 20, 1951, requesting a continuance of the further hearing now scheduled for June 26, 1951; and

It appearing, that a continuance is requested in order to permit petitioner additional time to study an amendment which is expected to be filed by City Broadcasting Corporation, and that the General Manager of WHOB may be unable to attend the hearing on the now scheduled date; and

It further appearing, that all parties to the proceeding have informally consented to the continuance as hereinafter ordered, and that the granting of the petition will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 22d day of June 1951, that the petition is granted, and the hearing presently scheduled to commence on June 26, 1951, is continued to 10:00 a. m. Tuesday, July 24, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7676; Filed, July 3, 1951; 8:53 a. m.]

[Docket No. 9967]

PEOPLES BROADCASTING CORP. (WOL)

ORDER CONTINUING HEARING

In re application of Peoples Broadcasting Corporation (WOL), Washington, D. C.. Docket No. 9967, File No. BR-1130; for renewal of license of synchronous amplifier located in Silver Spring, Maryland;

The Commission having under consideration a petition filed June 15, 1951, by Peoples Broadcasting Corporation (WOL), Washington, D. C., requesting a 90-day continuance of the hearing presently scheduled for July 10, 1951, at Washington, D. C., in the proceeding upon its above-entitled application for Renewal of License to operate a sychronous amplifier; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, this 22d day of June 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Wednesday, October 10, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7677; Filed, July 3, 1951; 8:53 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF LABOR

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS FOR INSTRUCTIONAL AND RESEARCH PROGRAMS WITH COLLEGES, UNIVERSITIES AND EDUCATIONAL INSTITUTIONS

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, as amended (Public Laws 152 and 754, 81st Congress), hereinafter called the act, authority is hereby delegated to the Secretary of Labor to exercise the following authority in connection with providing programs of instruction, information and research authorized by law:

a. To contract for the services of colleges, universities and other educational institutions in providing instructional, informational and research services, including job analyses; and in this connection to dispense with advertising in accord with section 302 (c) (5) of the act.

2. This authority shall be exercised strictly in accordance with the act, particularly section 307 requiring written findings and in certain instances preservation of data and reports to the General Accounting Office.

3. The authority herein delegated may be redelegated to any officer or employee of the Department of Labor subject to the limitations of section 307 of the act.

4. This delegation of authority shall be effective as of the date hereof, and shall supersede Delegation of Authority No. 87, dated May 26, 1951, to the Secretary of Labor.

Dated: June 28, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-7669; Filed, July 3, 1951; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26213]

CLASS AND COMMODITY RATES BETWEEN POINTS IN ARKANSAS, TEXAS, LOUISIANA, OKLAHOMA, AND KANSAS

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Kansas City Southern Railway Company for itself and on behalf of Louisiana & Arkansas Railway Company and other carriers named in the application.

Commodities involved: Class and commodity rates, less-than-carloads.

Between: Points in Arkansas, Texas, Louisiana, Oklahoma, and Kansas.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates:

SOUTHWESTERN MOTOR FREIGHT BUREAU, INC.

Tariff MF-I, C. C. No.	I. C. C. No.	Supp. No.
171	65	2
169	63	3
168	62	14
158	54	17
162	57	17
161	56	24

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7656; Filed, July 3, 1951; 8:48 a. m.]

[4th Sec. Application 26214]

CLASS AND COMMODITY RATES BETWEEN POINTS IN ARKANSAS, LOUISIANA, NEW MEXICO, AND TEXAS

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Texas and Pacific Railway Company for itself and on behalf of Abilene & Southern Railway Company and other carriers named in the application.

Commodities involved: Class and commodity rates, less-than-carloads.

Between: Points in Arkansas, Louisiana, New Mexico, and Texas.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates:

SOUTHWESTERN MOTOR FREIGHT BUREAU, INC.

Tariff MF-I. C. C. No.	I. C. C. No.	Supp. No.
171	65	2
169	63	3
143	39	26
168	62	14
158	54	17
162	57	17
161	56	24

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7657; Filed, July 3, 1951; 8:48 a. m.]

[4th Sec. Application 26215]

CLASS AND COMMODITY RATES BETWEEN POINTS IN ARKANSAS, LOUISIANA, NEW MEXICO, AND TEXAS

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Texas and Pacific Railway Company for itself and on behalf of Abilene & Southern Railway Company and other carriers named in the application.

Commodities involved: Class and commodity rates, less-than-carloads.

Between: Points in Arkansas, Louisiana, New Mexico, and Texas.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates:

SOUTHWESTERN MOTOR FREIGHT BUREAU, INC.

Tariff MF-I. C. C. No.	I. C. C. No.	Supp. No.
171	65	2
169	63	3
143	39	26
168	62	14
158	54	17
162	57	17
161	56	24

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7658; Filed, July 3, 1951; 8:48 a. m.]

[4th Sec. Application 26216]

MOTOR-RAIL RATES BETWEEN POINTS IN SOUTHWESTERN TERRITORY

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. D. Hughett, Agent, for The Texas and Pacific Railway Company, The Weatherford, Mineral Wells and Northwestern Railway Company, and motor carriers parties to tariffs named on attached sheet.

Commodities involved: Class and commodity rates, less-than-carloads.

Between: Points in southwestern territory and between points in that territory and southern territory.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates:

SOUTHWESTERN MOTOR FREIGHT BUREAU, INC.

Tariff MF-I. C. C. No.	I. C. C. No.	Supp. No.
171	65	2
167	61	14
168	62	14
158	54	17
162	57	17
161	56	24
128	27	76
163	58	20

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7659; Filed, July 3, 1951; 8:48 a. m.]

[4th Sec. Application 26217]

STRIP STEEL FROM OFFICIAL TERRITORY TO THE WEST

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent for carriers parties to the tariffs listed below.

Commodities involved: Strip steel, carloads.

From: Points in official territory.

To: Points in Colorado, Nebraska, and Wyoming.

Grounds for relief: Circuitous routes, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 4211, Supp. 12; C. W. Boin's tariff I. C. C. No. A–814, Supp. 44; I. N. Doe's tariff I. C. C. No. 604, Supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–7660; Filed, July 3, 1951; 8:49 a. m.]

[4th Sec. Application 26218]

CAST IRON PIPE FROM HOUSTON, TEX.

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3966.

Commodities involved: Cast iron pipe and related articles, carloads.

From: Houston, Tex.

To: Points in Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3966, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–7661; Filed, July 3, 1951; 8:49 a. m.]

[4th Sec. Application 26219]

SULPHURIC ACID FROM MCADORY, ALA., TO ALBANY, GA.

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company, The Georgia Northern Railway Company and Louisville and Nashville Railroad Company.

Commodities involved: Sulphuric acid, in tank-car loads.

From: McAdory, Ala.

To: Albany, Ga.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates; C. A. Spaninger's tariff I. C. C. No. 1200, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–7662; Filed, July 3, 1951; 8:49 a. m.]

[4th Sec. Application 26220]

CRUSHED BITUMINOUS ROCK FROM CLARKSON AND ROCKY HILL, KY. TO OOLITIC AND PERKINS, IND.

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1155.

Commodities involved: Bituminous rock, crushed or ground, carloads.

From: Clarkson and Rock Hill, Ky.

To: Oolitic and Perkins, Ind.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1155, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–7663; Filed, July 3, 1951; 8:49 a. m.]

[4th Sec. Application 26221]

MOULDING SAND FROM LEXINGTON, TENN., TO RICHMOND, ILL.

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 998.

Commodities involved: Moulding sand, carloads.

From: Lexington, Tenn.

To: Richmond (McHenry County), Ill.

Grounds for relief: Competition with rail carriers and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 998, Supp. 174.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to

take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7664; Filed, July 3, 1951; 8:50 a. m.]

[4th Sec. Application 26222]

LUMBER FROM HATTIESBURG, MISS., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Fernwood, Columbia & Gulf Railroad Company and Illinois Central Railroad Company.

Commodities involved: Lumber and related articles, carloads.

From: Hattiesburg, Miss., and points grouped therewith.

To: New Orleans, La., and points grouped therewith.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates; C. A. Spaninger's tariff I. C. C. No. 926, Supp. 139.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7665; Filed, July 3, 1951; 8:50 a. m.]

[4th Sec. Application 26223]

ACETALDEHYDE FROM OKLAHOMA AND TEXAS TO KOBUTA, PA.

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3919 and 3967.

Commodities involved: Acetaldehyde, in tank-car loads.

From: Tallant, Okla., Bishop, Brownsville, Houston, Texas City, and Winnie, Tex.

To: Kobuta, Pa.

Grounds for relief: Circuitous routes and competition with rail carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3919, Supp. 46; D. Q. Marsh's tariff I. C. C. No. 3967, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7666; Filed, July 3, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2639]

APPALACHIAN ELECTRIC POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER AUTHORIZING THE ISSUANCE AND SALE OF BONDS AND RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of June A. D. 1951.

American Gas and Electric Company ("American Gas"), a registered holding company, and its subsidiary, Appalachian Electric Power Company ("Appalachian"), an electric utility company, having filed an application-declaration, and amendments thereto, pursuant to sections 6, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder, regarding the issuance and sale, at competitive bidding, of $17,000,000 principal amount of First Mortgage Bonds 3¾ percent series, due 1981 and 1,600,000 shares of additional common stock to be acquired by American Gas for $10,500,000 cash; and

The Commission having, by order dated June 13, 1951, approved said application-declaration, as amended, subject to the condition that the proposed issuance and sale of the said bonds shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed; and subject further to the reservation of jurisdiction with respect to the payment of all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions; and

Appalachian having, on June 26, 1951, filed a further amendment to its application-declaration setting forth the action taken by it to comply with the requirements of Rule U-50 and stating that, pursuant to the invitations for competitive bidding with respect to the bonds the following bids were received:

Bidder	Annual interest rate (percent)	Price to company [1] (percent of principal)	Annual cost to company (percent)
Halsey, Stuart & Co., Inc.	3¾	101.36999	3.674
The First Boston Corp.	3¾	100.91	3.699
United Securities Corp. and Kuhn, Loeb & Co.	3¾	100.31	3.733
Harriman Ripley & Co., Inc.	3¾	100.1799	3.739

[1] Exclusive of accrued interest from June 1, 1951.

The amendment further stating that Appalachian has accepted the bid of Halsey, Stuart & Co., Inc., for the bonds, as set forth above, and that the bonds will be offered for sale to the public at a price of 102.25 percent of their principal amount, plus accrued interest from June 1, 1951, resulting in an underwriters' spread of 0.88001 percent of the principal amount of the bonds; and

Appalachian having completed the record with respect to the fees and expenses of the proposed transactions estimated in the amount of $104,355 including legal fees to company counsel as follows: Simpson, Thacher & Bartlett, $10,000; Hunton, Williams, Anderson, Gay & Moore, $5,000; Campbell, McClintic & James, $2,000; Penn, Hunter, Smith & Davis, $2,000; and legal fees of Winthrop, Stimson, Putnam & Roberts, counsel for underwriters in the amount of $6,000; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said bonds, the interest rate thereon, the redemption prices thereof, or the underwriters' spread; and also finding that the

estimated fees and expenses of the proposed transactions, including the fees of counsel for Appalachian and independent counsel for the underwriters are not unreasonable and that jurisdiction with respect thereto should be released; and

It appearing that the proposed issuance and sale of the bonds has been expressly authorized by the State Corporation Commission of Virginia, the State in which Appalachian is organized and doing business, and by the Tennessee Railroad and Public Utilities Commission and the Public Service Commission of West Virginia, being the regulatory commissions in the only other States in which the company operates:

It is ordered, That, jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50, be, and the same hereby is, released, and that said application-declaration, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That, jurisdiction heretofore reserved over the payment of all fees and expenses incurred by Appalachian in connection with the proposed transactions be, and the same hereby is released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-7634; Filed, July 3, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18089]

FREDERICK C. WEBER

In re: Estate of Frederick C. Weber, deceased. File No. F-28-31424.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugenie Augusta Pauline Strobel, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941 has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of Eugenie Augusta Pauline Strobel in and to the sum of $6,056.39, deposited with the Treasurer of the Territory of Alaska pursuant to an order of the Probate Court, Anchorage Precinct, Third Division, Anchorage, Alaska, dated May 29, 1946 in the matter of the Estate of Frederick C. Weber, deceased, Probate Cause No. 759, including but not limited to all rights, claims, demands and causes of action of said Eugenie Augusta Pauline Strobel to sue for and demand delivery of the share in said sum so deposited to which she is entitled, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that Eugenie Augusta Pauline Strobel be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 51-7624; Filed, July 2, 1951; 8:52 a. m.]

[Vesting Order 18097]

XAVIER FUCHS ET AL.

In re: Interest in real property owned by Xavier Fuchs and others. F-28-28994-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Xavier Fuchs, Joseph Hecht, Helen Hecht and Antone Hecht, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided eight twenty-fifths (8/25ths) interest in and to real property situated in Tripp County, State of South Dakota, particularly described as the Southwest Quarter (SW¼) of Section Twenty-six (26), Township Ninety-seven North (97N), Range Seventy-eight West (78W) of the fifth Principal Meridian, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and,

b. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof by E. B. Bradley & Company, Colome, South Dakota, arising out of the collection and receipt by said E. B. Bradley & Company of their share of the net rents from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 51-7626; Filed, July 2, 1951; 8:53 a. m.]

[Vesting Order 18092]

MICHAEL J. CURTIN

In re: Trust under Will of Michael J. Curtin, deceased. File D 28-13012 E. T. sec. 17137.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth L. von der Goltz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the trust created under

the will of Michael J. Curtin, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That the property described in subparagraph 2 hereof, is in the process of administration by Jeremiah M. Curtin, Administrator de bonis non with will annexed of Eleanore F. Curtin, deceased trustee under the will of Michael J. Curtin, deceased, acting under the judicial supervision of the Milwaukee County Court, State of Wisconsin;

4. That the property described as follows: An undivided one-third interest in real property located at 464 Marshall Street, Milwaukee, Wisconsin, described as follows:

All that part of Lot 11 in Block 101, in the 7th Ward, City and County of Milwaukee, State of Wisconsin, bounded as follows, to-wit: Commencing on the West line of said Lot at the point of intersection of the extension of the center line of the partition wall between the Northern and middle brick dwelling houses of the brick block erected on said lot numbered Eleven (11) and on parts of Lots numbered Ten (10) and Twelve (12), in said Block with the West line of Lot numbered Eleven (11), being Forty-five (45) feet and Three (3) inches North of the South West corner of said Lot numbered Eleven (11) and running thence East along the extension of said center line and the said center line and along a line drawn in continuation of the same to the East line of said Lot numbered Eleven (11); running thence South along the East line of said Lot numbered Eleven (11), to the point of intersection of the center line of the partition wall between the middle and Southern dwelling houses of said brick block, extended to the East line of said Lot numbered Eleven (11), with said East line, said point being Twenty-two (22) feet and Three (3) inches distant from the South line of said Lot numbered Eleven (11) and running thence West along the extension of said last named center line and along said center line and along a line drawn in continuation thereof to the West line of said Lot numbered Eleven (11) and thence North along the said West line to place of commencement.

The aforesaid parcel of land being Twenty-three (23) feet wide, more or less, from North to South, running back the whole depth of said Lot numbered Eleven (11) and comprising the middle dwelling house of said brick block,

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Elizabeth L. von der Goltz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, and,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 4 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries;

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7625; Filed, July 2, 1951; 8:52 a. m.]

[Vesting Order 17993]

MARIE GSELL-ZINSSTAG

In re: Stock owned by Marie Gsell-Zinsstag. F-28-31451.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Gsell-Zingsstag, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Fifty (50) shares of capital stock of Commonwealth & Southern Corporation on deposit with Dominick & Dominick, 14 Wall Street, New York 5, New York, in an account entitled "A. Sarasin & Cie., Basle", together with all declared and unpaid dividends thereon and all rights thereunder pursuant to the plan of liquidation of said Commonwealth & Southern Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7694; Filed, July 3, 1951; 8:57 a. m.]

[Vesting Order 17964]

KLARA FINKELMAN ET AL.

In re: Funds owned by and claims of Klara Finkelman, also known as Klaere Leonhardt Finkelman and others. F-28-31398; F-28-31401; F-28-31403; F-28-31404.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Name and Last Known Address

Klara Finkelman, also known as Klaere Leonhardt Finkelman; Kassel 129½ Wilhelmshohen, Allee, Germany.

Mrs. Anna Knuth; Geothestrasse 58, Wesermuende Lehe, Germany.

Mrs. Elsa Pilger; Rahlstedt Berthold Schwarz, Str. Hamberg, Germany.

Mrs. Sophie Vollbrecht, also known as Mrs. Sophie Vollbrecht Wittschief; Louisenstrasse 8, Wessermuende-Lene, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld checks drawn for the payment of compensation to the persons whose names are listed below and identified by numbers and in the amounts as of January 1, 1947, listed opposite each such name:

Name	Identification No.	Amount
Klara Finkelman	WP619156	$74.06
Anna Knuth	212203	704.49
Elsa Pilger	18949023	258.66
Sophie Vollbrecht, also known as Sophie Vollbrecht Wittschief	183967	631.81

together with any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights and claims to compensation benefits under the United States Employees Compensation Act of

September 17, 1916, as amended (Pub. Law 267, 64th Cong., 1st Sess. 39 Stat. 742) to January 1, 1947, of the persons whose names are listed below and identified by the Bureau of Employees Compensation, United States Department of Labor reference numbers listed opposite each such name:

Name:	*Identification No.*
Klara Finkelman	WP619156
Anna Knuth	212203
Elsa Pilger	18949023
Sophie Vollbrecht, also known as Sophie Vollbrecht Wittschief	183967

together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7691; Filed, July 3, 1951; 8:56 a. m.]

[Vesting Order 17992]

ELISE PROBSTHAIN ET AL.

In re: Debt owing to and bonds owned by Elise Probsthain, Alfred Probsthain and Margaret Schragenheim. F-28-31471.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Name and Address

Elise Probsthain, Kassel, Germany.
Alfred Probsthain, Vohren, Germany.
Margaret Schragenheim, Leifzig, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Dominion of Canada 3% Bonds due 1967 in the aggregate face value of $10,000.00 and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York, New York for the account of A. Sarasin & Cie., Basle, together with any and all rights thereunder and thereto,

b. Republic of Argentine 4% Bonds due 1972 in the aggregate face value of $5,000.00 and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York, New York for the account of A. Sarasin & Cie., Basle, together with any and all rights thereunder and thereto,

c. Conversion Office for German Debts 3% funding bonds in the aggregate face value of $4,000.00 and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York, New York for the account of A. Sarasin & Cie., Basle, together with any all rights thereunder and thereto,

d. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York, New York arising out of the receipt by the aforesaid Brown Brothers Harriman & Co. of interest payments on the bonds described in Subparagraphs a. and b. hereof and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elise Probsthain, Alfred Probsthain and Margaret Schragenheim, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7693; Filed, July 3, 1951; 8:57 a. m.]

[Vesting Order 18075]

OSCAR SEEWALD

In re: Estate of Oscar Seewald, deceased. File No. 017-26850.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Junge, Friedrich August Seidel, Martha Rockstroh, Gertrud Seidel, Richard Seidel and Meta Mueller, whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Hedwig Seidel, deceased, and of Lina Hoerig, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the sum of $4,468.70 paid to the State Controller of the State of California pursuant to order of the Los Angeles County Superior Court in the matter of the Estate of Oscar Seewald, deceased, and any accruals thereto, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Hedwig Seidel, deceased, and of Lina Hoerig, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7695; Filed, July 3, 1951; 8:57 a. m.]